



Evaluation of EU rules on free movement of EU citizens and their family members and their practical implementation

Final Report

ICF GHK

In association with Milieu Ltd

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To DG Justice

A report submitted by **ICF GHK**
in association with



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List of abbreviations

AT	Austria
BE	Belgium
BG	Bulgaria
CZ	Czech Republic
CY	Cyprus
DE	Germany
DK	Denmark
EC	European Commission
EE	Estonia
EL	Greece
ES	Spain
EU	European Union
FI	Finland
FR	France
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
TCN	Third country national
UK	United Kingdom

1 Introduction

This report is prepared in the framework of the Evaluation of EU Rules on Free Movement of EU citizens and their family members and their practical implementation, on behalf of the Directorate-General for Justice of the European Commission.

The evaluation is delivered in the Framework Contract between GHK and DG Justice on evaluation and evaluation related services, Lot 1 – Justice, Fundamental Rights and Citizenship (JUST/2011/EVAL/01).

The contract for this evaluation was signed on 15 December 2012. This report constitutes the Final Report concerning Module 1 of the study. The report for Module 2 have been submitted and approved on 24 July 2013.

1.1 Structure of the report

This Final Report is structured as follows:

- The remaining part of this section presents the objectives, scope and context of the evaluation;
- Section 2 presents the methodological approach to the evaluation and the work undertaken;
- Section 3 presents the findings of module 1 – providing replies to each of the evaluation questions defined by the ToR;
- Section 4 contains the comparative assessment and ranking of the Member States as required by the ToR;
- Section 5 contain an assessment of options related to improvement of issuance of residence documents as well as and options related to common formats for residence documents; and
- Section 6 provides the conclusions and recommendations of the report.

The following annexes are attached to the report:

- Annex 1: country fiches and individual assessments of countries – based on the 4 dimensions defined by the ToR
- Annex 2: List of the consultations undertaken within the study
- Annex 3: documents reviewed in the framework of the assignment
- Annex 4: analytical framework used to structure the evaluation
- Annex 5: collected specimens
- Annex 6: survey used in the framework of the study

1.2 Objectives and scope of this study

1.2.1 Objectives of the assignment

The purpose of this study is to evaluate the implementation of the EU rules on free movement of EU citizens and their family members.

More specifically, Module 1 of this study aims to evaluate the obstacles to the free movement of EU citizens and their family members in the formalities and procedures related to the issuance of residence documents under Directive 2004/38/EC.

The module is focusing on evaluating how the Directive's rules are applied **in practice** as regards the issuance of residence documents. Consequently, it does not seek to assess legal conformity and compliance with the EU rules (e.g. in terms of transposition), even though it is acknowledged that, in some cases, the practical application by a few Member States could be considered to be in breach of the existing EU legislation.

More specifically the study:

- Assesses the practical implementation of the Directive's rules as regards issuance of residence documents ;
- Assesses if - and how - the practical implementation of the Directive regarding issuance of residence documents results in an unnecessary administrative burden for EU citizens – and hampers citizens to benefit from their rights.
- Assesses and ranks Member States according to the administrative burden associated with the issuance of residence documents
- Assesses options for future initiatives which could be taken to minimise the administrative burden associated with issuance of resident documents, and options to facilitate and enhance the use and added value of residence documents through the use of common formats.
- Identifies good practices which have the potential to inform practices in other countries.

1.2.2 Scope of the study

The study covers all four residence documents issued under Directive 2004/38/EC – i.e.

- For EU citizens: registration certificates and documents certifying permanent residence (as provided for by Articles 8 and 19 of the Directive)
- For family members of a Union citizen who are not nationals of the Member State: residence cards and permanent residence cards (as provided for by Articles 10 and 20 of the Directive)

The different groups of EU citizens covered are: employees, self-employed, students, retired and persons with sufficient funds. The study has not considered the registration procedures for job seekers, nor has it considered situations of EU citizens, who, for example, have become unable to work.

Furthermore, with regard to family members, only those of employees, self-employed, students, retired and persons with sufficient funds have been considered. Consequently, specific situations of family members (for example those where the principal EU citizen is unable to work) have not been considered in this study. Also, the study has not considered third country nationals (TCN), not being family members, who have specific residence rights which do not stem from their family relations with mobile EU citizens (e.g. TCNs with long term residence rights or TCNs who are family members of EU citizens who have not exercised their right to free movement).

The study covers all phases of delivery –from pre-application to post-delivery of residence documents, including the added value of residence documents in public and private life. The study does not evaluate other forms of mandatory – or semi mandatory – public registration procedures. It however considers these, as they have implications for EU citizens and their family members in terms of administrative burden.

The study has covered 27 Member States (with the exception of Croatia which only joined the EU on 1st July 2013). Data collection was completed in August 2013.

1.3 Background and context of the study

1.3.1 Policy context

The free movement of persons within the EU is one of the four fundamental freedoms of the Internal Market (along with the free movement of goods, services and capital), and one of the main achievements of the EU integration process. Over the last 40 years, the principle of the free movement of persons has been considerably developed via primary and secondary legislation. In addition, the Court of Justice of the European Union has contributed to further interpreting, clarifying and improving the content of this right. Free movement of persons has progressively been extended and is now one of the major rights conferred by the EU to its citizens¹. A growing number of citizens now make use of it, and it is the EU right they value the most².

The core EU piece of legislation on the free movement of persons is Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States³. Its transposition into Member States' legislation has been reviewed by the European Commission in 2008⁴. However, recent studies and stakeholder consultations show that practical problems subsist with the implementation of this right, both for EU citizens and their family members.

The European Parliament's 2009 Resolution on problems and prospects concerning EU citizenship⁵, called on Member States and local authorities to take further measures to facilitate the movement of Union citizens between Member States, especially as far as practical issues such as issuing residence papers were concerned.

In 2010, the European Commission recognised, in its Citizenship Report⁶, that "the right to free movement is hindered by divergent and incorrect application of EU law and by cumbersome administrative procedures".⁷ Indeed, most complaints identified in the Citizenship Report regarded EU citizens' right of entry and residence for more than three months; the validity of their residence permits; the retention of their right of residence and permanent residence; as well as the rights of their family members. The report highlighted that the European Commission will help overcoming this obstacle by "enforcing EU rules strictly", promoting good practices among Member States and ensuring that EU citizens are well informed of their rights "by stepping up the dissemination of information to EU citizens about their free movement rights"⁸.

Similar concerns expressed by citizens moving to another EU Member State, namely that obtaining a residence card for their non-EU family members was too complex, were reflected in the Commission's report "The Single Market through the lens of the people – a snapshot

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions - Reaffirming the free movement of workers: rights and major developments COM(2010)373 final, 13 July 2010.

² Special Eurobarometer : Right to move and reside freely in the EU and right to good administration are the most important citizens' rights', European Ombudsman website, available at <http://www.ombudsman.europa.eu/en/press/release/faces/en/10666/html.bookmark>

³ Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:en:PDF>

⁴ Report on the application of Directive 2004/38/EC, COM(2008)840 final, 10 December 2008, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0840:FIN:en:PDF>

⁵ European Parliament Resolution of 2 April 2009, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009IP0204:EN:NOT>

⁶ EU Citizenship Report 2010, "Dismantling the obstacles to EU citizens' rights", COM(2010) 603 final, available at http://ec.europa.eu/justice/citizen/files/com_2010_603_en.pdf

⁷ *Ibid*, p.14

⁸ Action 15 of the Report, *Ibid*, p.15

of citizens and businesses"⁹. In 2012, in its resolution on the 2010 Citizenship Report¹⁰, the European Parliament regretted that many problems persisted with regards to the implementation of the 2004 Directive.

A 2012 online public consultation on EU citizenship conducted by the European Commission¹¹ revealed that amongst respondents who had resided (or were currently residing) in another EU country more than one in four had experienced problems (27 %). Almost one in five of respondents that resided (or had resided) in another EU country had encountered difficulties in administrative procedures when applying for residence documents (19 %).

The main problems reported are:

- **Lengthy or unclear administrative procedures.** 17.4% of those who had resided (or were currently residing) in another EU country reported that they had encountered such problems - or 66% of those having reported problems.
- **General unawareness of national officials and staff in local administrations about EU citizens' rights.** 13.2% of those who had resided (or were currently residing) in another EU country reported that they had encountered such problems - or 49 % of those having reported problems)
- **Lack of information on EU Treaty rights for citizens themselves.** 5.1% of those who had resided (or were currently residing) in another EU country reported that they had encountered such problems - or 19 % of those having experienced problems

In addition, in the same consultation, organisations working in the area of citizenship denounced issues with equal treatment of third-country family members of EU citizens, as well as delays in obtaining residence documents¹².

These findings were confirmed in the report under Article 25 TFEU on progress towards effective EU Citizenship 2011-2013¹³ (which accompanied the 2013 EU Citizenship Report) which for example stated that inquiries about free movement and residence constituted 21% of all queries submitted to Your Europe Advice in 2012 and 13% of the total SOLVIT cases in 2012. These hurdles were also underlined in the conclusions of events and meetings the Commission held to gather input for its 2013 EU Citizenship Report.

Based on the above consultations and findings, one of the problems identified by the European Commission in its 2013 EU Citizenship Report¹⁴, was that the residence documents issued to EU citizens residing in an EU country other than their own for over three months are not accepted as identity documents, in particular by private entities, and that EU citizens could not use them as travel documents, even within the EU. This report also acknowledges the problems encountered by EU citizens due to the fact that front desks in local administrations, which are often the first interface for citizens settling in a new city and a primary source of information and assistance, do not always fully comprehend free movement rules.

The Commission hence committed in the report, as one of the twelve new actions to remove remaining obstacles encountered by citizens to work, in 2013 and 2014, on solutions to remove obstacles in relation to identity and residence documents issued by Member States to EU citizens and their family members, including through optional uniform European

⁹ Commission Staff Working Paper, The Single Market through the lens of the people – a snapshot of citizens and businesses' 20 main concerns, SEC(2011)1003 final, 16 August 2011, available at http://ec.europa.eu/internal_market/strategy/docs/20concerns/SEC2011_1003_en.pdf

¹⁰ European Parliament, Resolution of 29 March 2012, available at <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2012-120>

¹¹ European Commission, *The EU citizens' agenda – Europeans have their say*, 2012, available at http://ec.europa.eu/justice/citizen/files/report_eucitizenship_consultation_en.pdf

¹² *Ibid* p. 19

¹³ COM(2013) 270 final, http://ec.europa.eu/justice/citizen/files/com_2013_270_en.pdf.

¹⁴ EU Citizenship Report 2013 – EU Citizens : Your Rights, Your Future, COM(2013)269, 8 May 2013, available at http://ec.europa.eu/justice/citizen/files/com_2013_269_en.pdf

documents for citizens, when applicable (action 3). In addition, the Commission committed to develop, by the end of 2014, an e-training tool for local administrations to ensure that EU citizens, wherever in the EU they present themselves, will be met by front desk officials who have a solid knowledge of their rights and of the conditions and procedures to give effect to them (action 10). Also, as of 2013, the Commission has committed to support, via its town twinning scheme, exchanges of best practice between municipalities and projects aimed at enhancing knowledge about citizens' rights and facilitating their enforcement.

1.3.2 The provision of Directive 2004/38 related to the issuance of Residence Documents

Directive 2004/38/EC regulates the right for EU citizens and their family members to move and reside freely in a Member State other than their own. The Directive codifies and reviews previously existing Community instruments dealing separately with different categories of EU citizens. The scope of the Directive covers EU citizens who have moved to or reside in a Member State other than theirs¹⁵, and their family members (spouses, registered- partners, descendants, ascendants, and other extended family members¹⁶).

The Directive provides that Member States may request EU citizens to register with relevant authorities for stays exceeding three months. When they have registered, EU citizens receive a registration certificate and their non-EU family members receive a residence card. The Directive also regulates the issuance of permanent residence cards after five years.

In this context, the Directive provides rules on the issuance of these documents, distinguishing between EU citizens and their family members. It defines who is considered a family member in its articles 2 and 3.

The recitals of the Directive provide some general indications about citizens' rights and the modalities under which they can make use of these rights. They first recall that "Citizenship of the Union confers on every citizen of the Union a primary and individual right to move and reside freely within the territory of the Member States" (Recital (1)). Recital (7) then provides that the formalities linked to free movement of EU citizens within the EU "should be clearly defined, without prejudice to the provisions applicable to national border controls".

EU citizens can stay on the territory of Member States other than their own for a period not exceeding three months without being subject to any conditions or formalities other than the requirement to hold a valid identity card or passport (Recital (9)). Recital (10) adds that they should not represent a burden for the host Member State's social assistance system, which is why the right of residence of EU citizens and their family members exceeding three months is subject to conditions. However, Recital (11) emphasises that their right to move and reside freely in another Member State stems from the Treaties, and is not dependent upon their having fulfilled administrative procedures.

The Directive states that the supporting documents required to register in a Member State should be "comprehensively specified" in order to "avoid divergent administrative practices or interpretations constituting an undue obstacle to the exercise of the right of residence by Union citizens and their family members", according to Recital (14). Articles 8 and 10 of the Directive further elaborate on the documents which Member States are allowed to request.

Table 1.1 below summarises the main provisions of Directive 2004/38/EC relating to the registration of EU citizens and their family members, and the issuance of residence documents.

Table 1.1 Relevant provisions of Directive 2004/38/EC

Article	Main provisions
Articles 2 and 3	Family member means <ul style="list-style-type: none"> ■ the spouse;

¹⁵ Its rules also apply by analogy in the case of those EU citizens who have returned to their home country after residing in a different Member State.

¹⁶ Note though, that, in the case of extended family members, MS are only required to *facilitate* their entry and residence.

Article	Main provisions
Definition of family members	<ul style="list-style-type: none"> ■ the registered partner if the legislation of the host Member State treats registered partnerships as equivalent to marriage and in accordance with the host Member State's law ■ the direct descendants who are under the age of 21 or are dependants and those of the spouse or registered partner ■ the dependent direct relatives in the ascending line and those of the spouse or registered partner ■ any other family members, not falling under the above definitions who, in the country from which they have come, are dependants or members of the household of the Union citizen or where serious health grounds require the personal care of the family member by the Union citizen; ■ The partner with whom the Union citizen has a durable relationship, duly attested.
Article 8	<ul style="list-style-type: none"> ■ Member States may require EU citizens to register with relevant authorities ■ Registration must be done within 3 months from the date of arrival. The registration certificate shall be issued immediately, stating the name and address of the person, and the date of registration. ■ EU citizens who do not register may be sanctioned.
Administrative formalities for EU citizens and their EU family members for periods longer than 3 months	<ul style="list-style-type: none"> ■ The only elements required are: <ul style="list-style-type: none"> - A valid identity card or passport; - A confirmation of engagement from the employer or a certificate of employment, or proof that they are self-employed persons if relevant; - A proof that they have sufficient resources for themselves and their family, and that they subscribed to a health insurance in the host Member State if they are "economically inactive" e.g. neither workers nor students; - A proof that they are enrolled in an establishment in the host Member State for the purpose of studying (vocational training included), that they subscribed to a comprehensive health insurance in the host Member State, and a declaration or equivalent means that they and their family will not be a financial burden for the State if they are students. <p>Member States may not lay down a fixed amount as "sufficient resources" and must take into account the person's personal situation. In all cases, the amount cannot be higher than the threshold for nationals to be eligible for social assistance or their minimal social security pension.</p> <p>No other documents may be requested.</p> <ul style="list-style-type: none"> ■ For the registration certificate for EU family members, MS may require the following documents: <ul style="list-style-type: none"> – ID card/passport – Documents attesting the family relationship – Registration certificate from the EU citizen they are accompanying (when appropriate) – If ascendants or descendants, evidence of this status – If dependent, proof of dependency – If a partner, proof of durable relationship
Article 9	<ul style="list-style-type: none"> ■ Member States shall issue a residence card for non-EU family members staying on their territory for more than three months. ■ The deadline for submitting the application may not be less than three months from the date of arrival. ■ Failure to comply with this requirement may expose the person to proportionate and non-discriminatory sanctions.
Administrative formalities for family members who are not nationals of a Member State	
Article 10	<p>A certificate of application for the residence card shall be issued immediately. The residence card shall be issued no later than 6 months after the application.</p> <p>Member States may require the following documents:</p>
Issuance of residence card	

Article	Main provisions
	<ul style="list-style-type: none"> ■ A valid passport; ■ A document attesting the existence of a family relationship or of a registered partnership; ■ The registration certificate or any other proof of residence in the host Member State of the Union citizen whom they are accompanying or joining ■ Documentary evidence that they fall under the definition of “family members” given in the Directive (see paragraph below); ■ A document issued by the country of origin’s competent authorities certifying the dependency tie with the EU citizen or the household membership, or a proof of serious health grounds justifying the personal care of the EU citizen; ■ A proof of the existence of a durable relationship with the EU citizen. <p>No other documents may be requested.</p>
Article 11 Validity of the residence card	<ul style="list-style-type: none"> ■ The residence card is valid for five years, or less if the envisaged period of residence is inferior. ■ The validity of the residence card shall not be affected by temporary absences under certain conditions.
Article 19 Administrative formalities on documents certifying permanent residence for EU citizens	<ul style="list-style-type: none"> ■ Upon application Member States shall issue Union citizens entitled to permanent residence, after having verified duration of residence, with a document certifying permanent residence. ■ The document certifying permanent residence shall be issued as soon as possible.
Article 20 Permanent residence card for family members who are not nationals of a Member State	<ul style="list-style-type: none"> ■ Member States shall issue family members who are not nationals of a Member State entitled to permanent residence with a permanent residence card within six months of the submission of the application. The permanent residence card shall be renewable automatically every ten years. ■ The application for a permanent residence card shall be submitted before the residence card expires. Failure to comply with the requirement to apply for a permanent residence card may render the person concerned liable to proportionate and non-discriminatory sanctions. ■ Interruption in residence not exceeding two consecutive years shall not affect the validity of the residence permit.
Article 25 General provisions concerning residence documents	<ul style="list-style-type: none"> ■ Possession of a registration certificate, of a document certifying permanent residence, of a certificate attesting submission of an application for a family member residence card, of a residence card or of a permanent residence card, may under no circumstances be made a precondition for the exercise of a right or the completion of an administrative formality, as entitlement to rights may be attested by any other means of proof. ■ All documents mentioned above shall be issued free of charge or for a charge not exceeding that imposed on nationals for the issuing of similar documents.
Article 34 Publicity	<ul style="list-style-type: none"> ■ Member States have an obligation to disseminate information about the rights and obligations of EU citizens as defined in the Directive.

1.3.3 Mobility in the EU

1.3.3.1 EU citizens living, working and studying in Europe

EU nationals living in other Member States

Data from Eurostat (2011) indicate that some 2.7% of the total European population - or just below 13 million EU citizens - are registered as living in an EU country different from that of their nationality.

The share of the total population which comes from other EU countries differs however very significantly from one Member State to another. In Cyprus and Luxembourg, the EU non-national population represents more than 10% of the total population, while in Belgium,

Spain and Ireland EU nationals from other Member States represent 5% or more than the total population. In contrast, nationals from other Member States represent less than 1% of the total population in LT, LV, PL, SI and SK.

Table 1.2 present an overview of key population data. Member States with a significantly higher share (5% or above) of other EU nationals (compared to the EU average) is highlighted in **bold**, whereas Member States having significantly low shares (1.5% or below) are highlighted in grey.

Table 1.2 Population data and EU nationals in other Member States (in bold high shares, in grey shades low shares)

	Total population	Other EU nationals	Share of EU nationals coming from other MS
Austria	8,386,592	352,187	4.2%
Belgium	10,994,618	748,953	6.8%
Bulgaria	7,369,359	8,452	0.1%
Czech Republic	10,532,770	135,401	1.3%
Cyprus	836,792	105,377	12.6%
Denmark	5,560,466	125,148	2.3%
Estonia	1,320,489	12,618	1.0%
Finland	5,373,949	61,225	1.1%
Germany	81,751,602	2,628,306	3.2%
Greece	11,309,885	153,038	1.4%
France	65,048,412	1,339,884	2.1%
Hungary	9,985,722	127,064	1.3%
Ireland	4,428,086	292,417	6.6%
Italy	60,626,442	1,334,820	2.2%
Latvia	2,229,641	9,795	0.4%
Lithuania	3,244,601	1,911	0.1%
Luxembourg	511,181	190,568	37.3%
Malta	417,606	10,380	2.5%
Netherlands	16,568,666	334,549	2.0%
Poland	38,195,785	15,528	0.0%
Portugal	10,636,979	103,230	1.0%
Romania	No data	No data	No data
Slovenia	2,050,189	5,363	0.3%
Slovakia	5,435,273	41,882	0.8%
Spain	46,152,926	2,329,153	5.0%
Sweden	9,404,553	269,950	2.9%
United Kingdom	62,472,168	2,061,425	3.3%
EU total	480,844,752	12,798,624	2.7%

Eurostat (2011 data) and ICF GHK calculations

Representation of workers and students

EU citizens who are registered as living in countries other than their own are on average strongly represented in the labour force. While they represent about 2.7% of the citizens

living in the EU¹⁷ they represent 3.3% of those in employment (or about 6.5 Million EU citizens).

The representation of EU nationals in employment is particular prominent in LU, IT, IE and the UK. In contrast, in CZ, HU, MT, PT and SK the share of non-national EU citizens in employment is low, suggesting that many non EU nationals are students, or inactive with sufficient resources.

Students living in EU member States other than their own – which according to Eurostat data represent some 600,000 registered non-national residents in EU member States – represent in some countries a significant share of the total non-national EU population. In BG, CZ, DK, EE, LT, NL, AU, PL and SK they represent about 10% or more of the registered non-national EU population. In contrast, EU students represent less than 2% of the total EU foreign nationals (as registered) in ES, IT, CY, LU and MT according to the data available.

Table 1.3 provides an overview of the number and shares of employees and students – as compared with the total number of employees and the total number of registered students. The countries having proportional high shares are highlighted in bold. Low shares are highlighted in grey.

Table 1.3 Registered workers and students(in bold high shares, in grey shades low shares)

	Total number of registered employees (2012)	Total number of employees from other EU MS	Share of the work force stemming from other EU MS	Total number of Students (2010)	Share of students registered of total EU citizens
Austria	4,112,900	224,100	5.4%	46,619	13.2%
Belgium	4,476,300	292,200	6.5%	34,528	4.6%
Bulgaria	2,871,700	Not reported	N.A.	1,540	18.2%
Czech Republic	4,811,800	34,400	0.7%	25,369	18.7%
Cyprus	380,100	54,800	14.4%	1,855	1.8%
Denmark	2,626,800	76,800	2.9%	12,376	9.9%
Estonia	600,200	Not reported	N.A.	2,115	16.8%
Finland	2,468,700	28,000	1.1%	3,550	5.8%
France	25,649,400	594,800	2.3%	43,341	3.2%
Germany	39,162,600	1,633,500	4.2%	80,403	3.1%
Greece	3,733,100	60,600	1.6%	15,067	9.8%
Hungary	3,839,700	16,300	0.4%	9,666	7.6%
Ireland	1,740,900	178,000	10.2%	10,081	3.4%
Italy	2,628,200	780,500	3.4%	14,491	1.1%
Latvia	851,500	Not reported	N.A.	666	6.8%
Lithuania	1,367,400	Not reported	N.A.	253	13.2%
Luxembourg	232,600	107,500	46.2%	2,272	1.2%
Malta	168,600	1,800	1.1%	12	0.1%
Netherlands	8,188,900	167,700	2.0%	34,318	10.3%
Poland	5,957,300	8,500	0.1%	3,893	25.1%
Portugal	4,399,200	26,000	0.6%	3,653	3.5%
Romania	8,960,300	Not reported	N.A.	3,378	No data

¹⁷ The following countries are not considered in this calculation as there is no data on employment: BG, EE, LV, LT and RO

	Total number of registered employees (2012)	Total number of employees from other EU MS	Share of the work force stemming from other EU MS	Total number of Students (2010)	Share of students registered of total EU citizens
Slovenia	902,600	2,600	0.3%	326	6.1%
Slovakia	2,320,400	2,700	0.1%	6,805	16.2%
Spain	7,257,300	775,200	4.5%	27,169	1.2%
Sweden	4,554,900	117,700	2.6%	10,448	3.9%
UK	28,384,100	1,388,600	4.9%	176,971	8.6%
Total	212,647,500	6,572,300	NA	571,165	

Eurostat (2011 data) and ICF GHK calculations

1.3.3.2 Application for and issuance of residence documents

Due to lack of data, it is not possible to calculate the number of applications for residence documents, nor is it possible to accurately calculate the number of successful applications.

Not all Member States have provided data on applications or the number of residence documents issued. It is also important to underline that Member States do not register the same data, and different disaggregated data is available – depending on the Member States.

Also, Member States have not provided data for the same years. In addition, Member States may have provided data on applications and rejections for a given year, but data on rejections may not relate to the applications within a given year, due to time lapse between the application data and the data regarding the decision made.

Consequently, the data presented below should be read as estimations rather than actual figures on residence documents.

In summary, based on the available data, it may be estimated that > 500,000 registration certificates to EU citizens are issued annually across the EU. In addition hereto, it may be estimated that above 100,000 residence cards are issued. As data is generally patchy as regards permanent residence documents, it is not possible to estimate the number of permanent residence documents issued.

The share of applications rejected related to EU citizens is generally low. Rejection rates are significantly higher for third-country family members of EU citizens.

Registration certificates

The data available on issued registration certificates covers all Member States but DE, IT, MT, RO and SK (2011 or 2012 data). The number of documents issued by the remaining 24 Member States sum up to a total of some 426,000 registration certificates. Considering that DE, IT, MT, RO and SK are not considered in this data (and that registration is mandatory in IT, MT, RO and SK) it may be reasonable to assume that more than 500,000 registration certificates are issued on an annual basis.

According to the data available, the highest number of registration certificate are issued in ES, BE, AT and the UK (in descending order). The lowest numbers are found in the Baltic countries. However, in relation to the population size, the highest numbers are by far found in Cyprus and Luxembourg.

Data on rejection is often not provided, which makes it difficult to assess applications rejection rates. However, when such data is available, it suggests that only modest shares of the applications made by EU citizens are rejected or by other means unsuccessful (<5%).

High rejection rates (+15%) are found only in the case of Sweden and the UK, which both have put in place practices of rejecting incomplete applications (for discussion of these cases, see the country fiches).

Table 1.4 below provides an overview of the number of applications, the number of residence documents issued and the success rate of applications (where available), based on the latest available statistics.

Table 1.4 Registration certificates – applications and successful applications (latest available year¹⁸). High shares are indicated in grey

MS	Number of applications	Registration certificates issued	Share of successful applications	Applications relative to the population	Comments
AT	46,519	60,067	97%	0.80%	The number of residence documents issued is higher than the number of applications (it appears that applications may cover more than one person) Share of applications rejected takes into account total applications
BE	64,871	64,871	NA	0.66%	Data on successful applications not provided. It is therefore estimated (for calculation purposes) that all applications are successful.
BG	No data	4,368	NA	0.06%	Only data on successful applications
CY	20,837	20,668	99%	3.09%	
CZ	12,274	12,105	99%	0.12%	
DE	No data	No data	NA	NA	No data provided
DK	26,120	26,120	100%	0.50%	Data on unsuccessful applications provided, but not broken down per EU/TCN family members. As total rejections only sum up to 203 of all applications these have been disregarded.
EE	3,719	3,719	100%	0.33%	No applications rejected
EL	No data	15,694	NA	0.15%	Only data on successful applications
ES	73,923	72,860	99%	0.18%	
FI	15,183	14,736	97%	0.28%	
FR	No data	11,496	NA	0.02%	Only data on successful applications
HU	15,502	15,502	100%	0.16%	No applications rejected
IE	NA	NA	NA	NA	Not applicable (no registration of EU citizens)
IT	No data	No data	NA	NA	No data provided
LT	1,128	1,126	100%	0.04%	
LU	No data	10,559	NA	3.64%	Only data on successful applications
LV	No data	1,047	NA	0.06%	Only data on successful applications
MT	No data	No data	NA	NA	No data provided
NL	No data	8,580	NA	0.05%	Only data on successful applications
PL	7,433	7,286	98%	0.02%	
PT	No data	9,863	NA	0.10%	Only data on successful applications
RO	No data	No data	NA	NA	No data on registration certificates. Only a single number of successful applications (all

¹⁸ 2011 or 2012. In some cases only periodical data was provided and an annual average was used (EL and SK)

MS	Number of applications	Registration certificates issued	Share of successful applications	Applications relative to the population	Comments
					types of residence documents) provided: 52,501 (2007-2012) or 8,750 on average annually
SE	28,783	23,500	82%	0.27%	
SI	5,118	4,924	96%	0.25%	
SK	No data	No data	100%	0.08%	No data on registration certificates. Only a single number of successful applications (all types of residence documents) provided: 4,459 (2012)
UK	51,993	36,805	71%	0.06%	The share of application rejected depends somewhat on the nature of the applicant: <ul style="list-style-type: none"> - EU 25: 69% - Accession worker card (RO/BG): 72% - Registration certificate (RO/BG): 73%
Total	NA	425,896	NA	DE, IT, RO, MT and SK not included	

Source: ICF GHK based on documentation available (sources indicated in the country fiches)

Types of EU applicants

Most Member States have not provided any breakdown of the type of applicants¹⁹ (employee, student, self-employed and self-sufficient). However, when such data is provided it suggests that the majority of applications relate to employees (and their EU family members). It is only in the case of Latvia that students and persons with sufficient means outweigh employees. Students, however, represent significant shares of applicants in the following Member States: DK (35% of successful applicants); LV (26% of successful applicants) and SE (22% of successful applicants). Across the nine Member States which have provided breakdowns, self-employed only represent relatively modest shares of the applicants. Self-sufficient applicants represent no more than 16% (highest share found in Sweden). Detail on this data is provided in the country fiches (Annex 1).

Residence cards

The data available on issued residence cards covers 21 Member States. Data on issuance of residence cards for TCN family members is not available for the following six Member States: BE, IT, MT, NL, RO and SK.

The number of documents issued by the remaining 21 Member States sum up to a total of some 86,000 residence cards (latest available year). Considering that six Members, including IT and BE, are not included in these figures, it may be reasonable to assume that more than 100,000 residence cards are issued on an annual basis.

Although data is available for 21 Member States, nearly two thirds of the residence cards are issued in two countries only: ES and the UK. Also, it is remarkable that 95% of these residence cards are issued in 11 countries only (in descending order ES, UK, DE, PT, DK, FR, CZ, EL, IE, AT and CY). However as for registration certificates, the highest relative number of applications (considering the size of the population) is found in Cyprus and Luxembourg.

Data on successful and rejected applications is not provided by many Member States and is not publicly available. However, when such data is available it suggests that rejection rates

¹⁹ Breakdown provided only by nine Member States: AU, DK, SE, FR, LV, LU, NL, FI and DK

are significantly higher for applications for residence cards by TCN family members than for applications for registration certificates by EU citizens. In six out of the 13 Member States for which data is available on the issue, the success rate of applications is about 80% or below. Importantly also, the rate of unsuccessful applications tends to be high when a country receives many applications (ES, UK) or when applications in relative numbers are high compared to the total population (CY).

Table 1.5 below provides an overview of the number of applications, the number of residence cards issued and the success rate of applications (where available), based on latest available statistics.

Table 1.5 Residence card – applications and successful applications (latest available year²⁰)

MS	Number of applications	Residence cards issued	Share of successful applications	Comments
AT	1,509	1,473	98%	
BE	No data	No data	NA	
BG	No data	138	NA	
CY	2,033	1,426	70%	
CZ	2,402	1,936	81%	
DE	No data	7,700	NA	
	No data	3,939	NA	The number 3,939 represent all family members (EU or TCN – as no distinction is made). If it is assumed that all rejected applications are those related to family members rejection rate would be 5.1%.
DK				
EE	49	49	100%	No data on rejections
EL	1,738	1,702	98%	
ES	42,093	27,869	66%	
FI	473	460	97%	13
FR	No data	2,290	NA	
				Breakdown of residence cards and permanent residence not provided. It is assumed that these applications are for the residence card
HU	185	181	98%	
IE	2,338	1,481	63%	Average data (2007-2012)
IT	No data	No data	NA	No data for TCN
LT	53	51	96%	
LU	No data	1,008	NA	
LV	No data	537	NA	
MT	No data	No data	NA	
NL	No data	No data	NA	
PL	153	148	97%	
PT	No data	5,616	NA	
RO	No data	No data	NA	
SE	1,711	1,263	74%	

²⁰ 2011 or 2012. In some cases only periodical data was provided and an annual average was used (IE)

MS	Number of applications	Residence cards issued	Share of successful applications	Comments
SI	76	73	96%	
SK	No data	No data	NA	
UK	38,779	26,818	69%	-
Total	NA	86,158	BE, IT, MT, NL, RO and SK not included	

Source: ICF GHK based on documentation available (sources indicated in the country fiches)

Types of applicants

Data on applications and successful applications are mostly not broken down into different categories of family members. Only four Member States have provided breakdowns. When such data is available it suggests that applications related to TCNs essentially relate to spouses and descendants. Relatively few applications relate to other family members.

Permanent residence

Only 13 Member States have provided data on permanent residence, in some cases covering both EU citizens and their TCN family members. In other cases it covers only one of these categories, or combines both. Even fewer Member States have provided data on rejection rates for permanent residence documents

Considering this lack of data, is it not possible to estimate the potential number of applications for residence documents. However, judging by the information available, relatively few citizens appear to apply for these. Countries which have high numbers of applications for permanent residence documents are:

- UK (~15,000 applications for permanent residence certificate, and ~12,000 applications for permanent residence cards)
- DE (3,800 successful applications for permanent residence cards)
- LU: (~11,000 successful applications for permanent residence certificates)
- SE (~2800 applications for permanent residence certificates)
- BG (~2000 successful applications for permanent residence certificates)
- EL (~4800 successful applications for permanent residence certificates)
- SK (1400 applications for permanent residence certificates)

Full data on permanent residence certificates and cards are provided in the country fiches (Annex 1)

2 Methodological approach to the Study and the Work carried out

2.1 Analytical framework

The methodology for the study was developed around the objectives of the study and the research questions set out in the Terms of Reference (ToR). The ToR defined five areas that the evaluation should focus on, listing thereunder 20 evaluation questions to be addressed in the framework of the study. These areas relate to:

- Pre-application and information provision
- Pre-application and preparation of the application
- Application phase and lodging of applications
- Post application phase and issuance of residence documents
- Post-delivery phase and usefulness of residence documents

The analytical framework which was used as part of study to address each of these evaluation questions is presented Annex 4.

2.2 Key issues and challenges related to the assignment

A number of issues and difficulties have been encountered during the implementation of the study. Wherever possible the study methodology has been amended to mitigate the issues encountered. However, some of these issues have seriously impacted on the study and the data collected and for this reason they are further elaborated below.

2.2.1 Identification of the “citizens' experience”

Identifying how EU citizens and their family members experience the processes to register for residence documents in reality – and the issues that they encounter - is at the heart of this study. Substantial efforts have been made to consult such citizens. However, the study has shown that it is extremely difficult to capture this experience.

Firstly, such citizens are difficult to identify. While Member States hold contact details, for data protection reasons such contact details cannot be shared. This issue has been addressed by using various social expatriate (expat) networks to gather data on citizens' actual experience.

Secondly, even when citizens may be identified, they generally have little interest and incentive to provide feedback – resulting in low response rates. Providing a (financial) incentive is not possible, not only because such incentive needs to be significant to make a difference, but also because it significantly increases the likelihood of receiving fake answers.

The study team has sought to mitigate these issues – notably by reviewing requests and complaints submitted to Your Europe Advice (YEA) and by consulting NGOs and experts engaged in dealing with complaints and cases where EU citizens and their family members have difficulties with enjoying their rights as EU citizens or family members of those.

It is nevertheless noted that such organisations and individuals may have a somewhat biased view – as they are typically consulted only when citizens encounter issues – be that in terms of finding information or when applying for residence documents.

2.2.2 Feedback and stakeholder engagement

In addition to relying on citizen feedback, a study of this nature is largely dependent on feedback and information from public authorities, experts and independent organisations engaged with the topic.

The stakeholder engagement processes however encountered a number of issues – of which two are of particular importance:

- Low response rate and formalised responses from many competent authorities and responsible ministries
- Low response rates from experts.

As regards the responsible Ministries and competent authorities, the study encountered many issues with low response rates or late responses. Although many authorities have been contacted, it has not been possible to date to consult all relevant Ministries – and interviews with competent authorities have been declined in a number of cases.

In addition to the issue of response rates, the varied quality of feedback should also be noted. Many interviewees have been providing open and comprehensive feedback. However, there have also been quite a number of issues with overly formalised feedback – in some cases basically quoting the law – and also in a number of cases a lack of response to specific questions when answers have been provided in writing.

As regards interviews with experts, response rates have been particularly low among the members of the European Network of Free Movement of Workers.

Again the study has aimed to address these issues by consultation with NGOs and other actors, such as the European Citizen Action Service (ECAS). However, also in the case of NGOs, response rates have often been minimal/fairly low.

2.2.3 Data availability

In order to provide quantitative overviews of applications, types of applications (per category), rejection rates data and data on processing time have systematically been requested from Ministries and competent authorities.

However, data is mostly patchy, often not broken down to the same level / covering the same categories and not systematically covering all forms residence documents. Furthermore, data on rejections is often lacking and especially data on processing time has mostly not been provided.

Data on rejection rates and processing times has, whenever possible, been complemented by stakeholder consultation, survey results and YEA data – but such data only provides general indications rather than comprehensive overviews.

2.3 Study design

The evaluation approach and methodology were designed in light of the evaluation and research questions, and adapted to the challenges met during the assignment. The approach combined a variety of data collection and assessment methods. The report relies upon data collected through the following methods and tools:

2.3.1 Literature review

A literature review of relevant studies and other documentation was undertaken to scope the assignment. The literature reviewed can be found in Annex 3.

2.3.2 Desk review and detailed country mapping

A detailed desk review was undertaken in order to map information availability, comprehensiveness, requirements for supporting evidence – and all other aspects regarding procedures to be followed by EU citizens and their family members.

For each Member State the following data sources were covered:

- National legislation transposing the articles of Directive 2004/38/EC relevant to the issuance of residence documents
- Websites providing information on applications for residence documents and on the procedures. The following sources were covered for each country:

- National websites and portals (for each country: Migration portals, general first stop shops (e.g. Directgov.co.uk, Belgium.be) websites of the Ministry of Interior/Justice, websites of the Ministry Foreign Affairs)
- Regional information portals for foreigners (regionalised countries only)
- Decentralised state authorities websites (in cases where the Competent Authority is a *decentralised state authority*)
- Police websites (in cases where the Competent Authority is the Police)
- Websites of a region (regionalised countries only: BE, DE, ES, IT and UK) Websites of at least four municipalities or regions
- Websites of at least two embassies.
- Publications, leaflets and other print documentation available
- Application forms, and supporting information and guidance notes
- Hotlines and other support services
- Other documentation - where available.

The desk research notably covered:

- Mapping of entry points (access)
- Mapping of information availability and quality (including comprehensiveness of the information provided, correct application of Directive 2004/38/EC and user friendliness of the information provided)
- Mapping of the application procedure (systems to apply, clarity of the application procedure, legal deadlines for applying, application forms availability and clarity, - and costs of documents and application (including costs of national cards)
- Documents requested for the application
- Residence documents (Duration of validity and requirements to renew valid residence documents)

2.3.3 Consultations with Member States and competent authority

Interviews were undertaken with the responsible Ministry and competent authorities in order to get a detailed understanding of the processes and procedures in place, to identify practices of interest, to understand organisation of information provisions and any other issues related to the issuance of residence documents.

All potential interviewees were invited to take part in a telephone interview. However, a significant number of potential interviewees preferred to reply in writing – in some cases integrating information from other actors (one response covering information from both the Ministry and the Competent Authority).

A total of 57 consultations (interviews or written responses) were undertaken with Ministries and Competent Authorities representing Ministries in 25 Member States.

Despite various attempts it has not been possible to establish contacts within Malta.

2.3.4 Consultations with other stakeholders

Consultations with various experts from the European Network of Free Movement of Workers, SOLVIT, NGOs such as ECAS and other experts have been undertaken. The consultations have covered the four themes related to this assignment – and in a number of cases specifically focused on issues related to issuance of residence documents (rejection, documentation requirements and delays).

As outlined, the study approach originally foresaw systematic interviews with the members of the European Network of Free Movement but this has proven impossible, and the list of

potential interviewees was therefore enlarged to cover other stakeholders. Response rates from other actors, however, have also varied.

Interviews have also been undertaken with European Commission officials in DG JUSTICE.

In total, 24 interviews have been undertaken. The full list of consultations and interviews is provided in Annex 2.

2.3.5 Customer journey mapping

Customer journey mappings have been used to identify how European citizens and their family members are likely to search for information on a specific topic, map out the information found and the issues that the eventually encounter when searching for information.

Customer journey mappings were undertaken by volunteer citizens comprising students, employees, self-employed and retired persons, their EU family members well as TCN family members.

In order to ensure a 'genuine' mapping process, none of the citizens who undertook customer journey mappings were engaged in any other way in this assignment. Also, none of these are working on EU related issues.

A total of 100 customer journey mappings have been undertaken evenly distributed across the EU Member States.

2.3.6 Survey among EU citizens and their family members having moved within Europe

An online survey was carried out amongst EU citizens and their family members having relocated within Europe. The survey aimed to map out citizens experiences with applications for residence documents –from identifying information about the application procedure, to requirements for documentation (type and choice of documents), lodging of the application, processing of the application, delivery of the application, and usefulness of the residence documents.

A total of 301 responses were collected through the survey. The response rate was, however, very uneven, due to the different processes in place (mandatory or not), the total number of applications in different countries and other parameters on which the contractor had no control.

The response rates, by country of nationality and by country of residence and the share of the responses are presented below in table 2.1. Most respondents were employees, as was to be expected (64%), followed by students (13%), self-sufficient and pensioners (11%), self-employed (9%) and home makers (3%). Overall few TCN family members responded to the survey (11%). Most citizens moved alone (80%), the remaining part (20%) moved with a partner. In total 4% moved with a TCN family member. 4% also moved with their children.

Wherever possible, research results have generally been used on a country by country base –Quantitative shares have generally only been used when the number of responses has been sufficient (i.e. beyond 20).

Table 2.1 Breakdown of survey responses

	Nationality		Moved to	
AT	4	1%	8	3%
BE	4	1%	79	26%
BG	5	2%	1	0%
CY	0	0%	13	4%
CZ	6	2%	11	4%
DE	21	7%	42	14%
DK	3	1%	9	3%

	Nationality		Moved to	
EE	2	1%	1	0%
EL	8	3%	4	1%
ES	28	9%	9	3%
FI	3	1%	0	0%
FR	30	10%	7	2%
HU	1	0%	5	2%
IE	9	3%	3	1%
IT	39	13%	9	3%
LT	3	1%	0	0%
LU	1	0%	2	1%
LV	1	0%	1	0%
MT	0	0%	36	12%
NL	9	3%	28	9%
PL	8	3%	5	2%
PT	11	4%	1	0%
RO	21	7%	0	0%
SK	1	0%	2	1%
SI	3	1%	0	0%
SE	8	3%	8	3%
UK	61	20%	17	6%
Other (Non EU country)	11	4%	0	0%

2.3.7 Mystery shopping

A total of 162 mystery shopping exercises (including unsuccessful contacts) have been undertaken in the framework of the study to look at the efficiency and the quality of the hotline, telephone and email services available to citizens to respond to their questions on applications for residence documents.

A minimum of four contacts (two mail two phone) have been undertaken for each country – where such services existed. Four specific questions – of medium complexity – were asked.

2.3.8 Analysis of Your Europe Advice cases

Due to low response rates to the survey, data of citizens' experiences was collected through an analysis of the Your Europe Advice (YEA) cases covering the last two years (all cases for 12 months and complex cases for an additional year). In total, more than 2000 cases were manually reviewed²¹ – and mapped in order to identify the nature of the problems and issues encountered by EU citizens when looking for information and applying for residence documents.

2.3.9 Summary country Report

In order to provide a summarised and condensed version of the data collected, country fiches have been developed for each of the Member States. The country fiches consider each aspect of residence application from a citizen point of view – but do not consider administrative organisation internally, which in contrast is covered in the main report.

²¹ Note that not all cases were relevant for the assignment

The country fiches form the basis for the country assessment and comparative mapping which is presented in section 4.

3 Findings and replies to the evaluation questions

3.1 Introduction

This section presents the replies to the evaluation questions – as defined by the ToR, and as further developed by the contractor in their proposal.

The section is structured according to the 5 themes defined by the ToR and covers:

The section is structured as follows:

- Section 5.1 presents the preliminary findings for Theme 1
- Section 5.2 presents the preliminary findings for Theme 2
- Section 5.3 presents the preliminary findings for Theme 3
- Section 5.4 presents the preliminary findings for Theme 4
- Section 5.5 presents the preliminary findings for Theme 5
- Section 5.1 presents a first assessment of the potential options – as identified in the ToR.

The sub-sections are structured in order to respond to individual questions and build upon the analytical framework as presented in Annex 3.

3.2 Theme 1 pre-application phase during which EU citizens and their family members seek information on the application procedures

Theme 1 relates to an analysis of the information made available to EU citizens and their family members on the application procedures. The theme covers both information availability and accessibility.

The theme addressed divided into six specific questions defined in the ToR.

In order to set the context of theme 1, the section is introduced by an overview of the main online information available to EU citizens and their family members.

3.2.1 Introduction: What are the main public information sources for citizens and their family member seeking information on the application procedures?

Requirements for information provision

Article 34 of Directive 2004/38 requires Member States to disseminate information concerning the rights and obligations of Union citizens and their family members on the subjects covered the Directive. In the framework of this study this implies in practical terms that Member States are to provide information:

- on EU citizens' and their family members' rights to move and reside in the Member States of the Union and rights of permanent residence – including on the nature of citizens covered and the conditions of residence;
- on the eventual obligation to register with competent public authorities; where the applications are to be lodged (Authorities in charge of issuing residence documents) and application fees;
- on the nature of information to be provided for the purpose of lodging an application and the documentation to support the application;
- on deadlines for registration and on eventual sanctions that apply for failure to comply with the deadline for registration;
- on the deadlines for delivery of residence documents

Considering the requirements defined in the Directive, it is understood that such information needs to be adequate, tailored to citizens and their needs and easy to access – and is to be delivered by public authorities.

Main public sources of information

As outlined in section 2 a comprehensive mapping of information has been undertaken in the framework of this study. Public sources have been mapped at national, regional and local levels – and sources have been identified both using key words and institutional search (based on predefined categories). Information sources reviewed are:

- Online sources
- Publications
- Hotlines and email services

The main and most comprehensive sources of information are available online.

Most Member States provide a single or a few main sources of information online for registration of residence. Generally these online sources are:

- National migration portals
- The public national “first stop shop” for targeted citizens
- Websites of Ministry of Interior – or in a few cases the Ministry of Employment
- Websites of the competent authority
- National portals for newcomers
- National portals targeting any foreigner

Nearly all Member States have at least one main national source of information concerning residence registration and residence documents. In a number of cases (e.g. AT, DK, IE, LV) two main information sources co-exist – often the website of the competent authority (typically a national website) and a national “first stop shop” or a migration portal.

Main national sources have not been identified in two countries: DE and IT. In these cases, multiple authorities are engaged in information provision. In the case of Italy there is a national migration portal but the website is essentially targeted²² at TCNs especially those not falling within the Directive 2004/38. For EU citizens the quality of information is poor. In the case of Germany a national source providing comprehensive information was not identified. Not having a main national source substantially increases the likelihood of citizens being unable to find the relevant information. It also increases the likelihood that the information provided is not comprehensive, as illustrated below.

Box 1 Finding information where information provision is scattered

Citizens’ experiences in Germany

Consumer journey results show that citizens overall are much more likely to find the right information if there is a single source or few main sources. Where such sources do not exist it is difficult for citizens to find the right information. The following example from Germany may illustrate this:

“As a Polish pensioner I was looking for registration of residence in Bonn, Germany.

I started off by looking for the German embassy in Poland. I googled “ambasada Niemiec Warszawa” and found the Embassy website²³. The website did not contain any useful information. I then found a Wikipedia resource website²⁴ but the information I found was misleading in my case. I then found the

²² According to the national authorities

²³ <http://www.warschau.diplo.de/Vertretung/warschau/pl/04-RK/0-rk.html>,

²⁴ <http://www.wikihow.com/Move-to-Germany>

Federal Foreign Office website²⁵ but there was nothing for me. There was only information about “studying, working, or asylum”.

As I had doubts about my results I called the Consular Section of Embassy of Germany in Poland, but this was not helpful in terms of guiding me to a comprehensive website. After this I found some expat websites²⁶, which provided some useful, but too limited information. Finally after hours of looking around on different websites I found the “Integration in Bonn” website²⁷.

I guess I did my search wrong. I made a mistake and started from the site of the German Embassy in Poland. The information provided there is not suitable for my case. I got a wrong impression, called them, and only later found the right web pages.

However, even so I have not been able to find the right information. I can find information about students and employees, but my situation (pensioner) is **not** explicitly referred to.

I think that I need to register a town hall (*Einwohnermeldeamt*), and I would have to arrange a visit in *Einwohnermeldeamt*, Bonn. On the corresponding website, however, there is no information for foreigners.

Also, I am not sure about what I have to bring. I was able to find a form, but I cannot guarantee that it refers to EU citizens! The structure of application form is rather simple, but it is very detailed, and demands some sensitive data: Do you suffer from any diseases? If so, which?”

It is not clear what type of documentation do I have to provide. I found on a website that “Non-gainfully employed EU-citizens (e. g. students) and their family members may only live in Germany if they and their family members are sufficiently covered by health insurance and have sufficient resources to support themselves and their family members”. It is also stated that the immigration office **may request** for proof of these. It is not clear to me if I have to bring documentation – or the type of documents I have to bring.

In my opinion the written information is barely sufficient. The mainly stress is for people needing visas. The rules for EU citizens remain hidden.”

Polish pensioner (source: Customer journey exercise)

In order to illustrate the information sources available to citizens Table 3.1 presents the main information sources for the 27 Member States.

Regional and local online sources (which in a majority of countries do not provide any comprehensive information) have not been included in the table. It is however indicated when these are the main sources.

²⁵ http://www.auswaertiges-amt.de/EN/EinreiseUndAufenthalt/Uebersicht_node.htm

²⁶ http://www.expatica.com/de/essentials_moving_to/essentials/How-to-move-to-Germany-legally_-visas-and-citizenship.html and <http://www.internations.org/germany-expats/guide/15983-visa-administration/how-to-get-a-german-residence-permit-15953>

²⁷ <http://www.integration-in-bonn.de/en/residence-permission/residence-of-eu-citizens-and-their-family-members.htm>

Table 3.1 Main web information sources (regional and local websites not considered)

MS	National 'one-stop shop' for citizens	Migration portal	Ministry of Interior	Ministry of Foreign Affairs/other Ministry	Portals targeting foreigners visiting	Website competent authority (national)
AT	help.gov.at	migration.gov.at	Bmi.gov.at			
BE	belgium.be		dofi.ibz.be ²⁸			
BG		migration.mvr.bg				
CY			moi.gov.cy	mlsi.gov.cy		
CZ			mvcr.cz			
DE	All main sources and local or regional level					
DK		newindemmark.dk				statsforvaltning.dk
EE						politsei.ee
EL			http://www.ypes.gr/el/			astynomia.gr
ES		extranjeros.empleo.gob.es	interior.gob.es			
FI						poliisi.fi
FR	service-public.fr					
HU	Magyarország.hu	bmbah.hu				
IE	citizensinformation.ie					inis.gov.ie
IT	<i>Note: several local sources (main sources)</i>	portaleimmigrazione.it	Interno.it			poliziadistato.it
LT		migracija.lt				
LU	guichet.public.lu			mae.lu		
LV			pmlp.gov.lv			
MT			mhas.gov.mt			

²⁸ limited info

NL		ind.nl	
PL			udsc.gov.pl
PT		sef.pt	
RO		ori.mai.gov.ro	
SK	Slovensko.sk	Non-public Mic.oim.sk	
SI	e-uprava.gov.si	infotujci.si	slovenia.si
SE		migrationsverket.se	
UK			ukba.homeoffice.gov.uk

Source: country fiches

Other public sources

Beyond the main information sources several other public websites in all countries provide at least some sort of information. The amount of information provided and its nature however differs very significantly – not only across countries but also within countries (for example among regional and local public authorities). Within these limitations the following observations can however be made:

National public sources

Beyond the main public national information source(s), other national sources often provide some information. Such sources can include:

- Public national “first stop shop” for citizens (when not main sources)
- Websites aiming at attracting employees or students from other countries
- Ministry websites (where not principal information sources)

These secondary sources are generally not comprehensive in terms of coverage. Main information sources will still need to be consulted in order to collect adequate information.

Ministries of Foreign Affairs

Ministries of Foreign Affairs generally do not offer any substantial information on their websites for migrants who want to move to the country.

Likewise, websites of the Embassies generally provide little or no information for nationals wanting to move abroad.

Regional and local public sources

Generally, in most of the Member States Regional and Local authorities do not provide any substantial information via websites or publications.

This is often the case even when the Regional and Local authorities are competent for issuing residence documents. Where information is provided, it tends to be delivered at the local (municipality level) rather than at Regional level.

In the cases where information is provided it is often incomplete and main information sources need to be consulted in addition in order to collect adequate information.

The main information sources in Italy and Germany are local. Also, there are other examples of comprehensive information sources at local level – typically in other regionalised countries. Examples include the portal of Vienna and Madrid.

Non-public sources

Consumer journey mappings and research undertaken by the research team have highlighted that there are many non-public sources available. These sources have generally not been mapped, as they are not authoritative.

However, these sources potentially create issues in a number of instances as they often are consulted in countries where official information is hard to find or to understand.

The customer journey mapping suggest that in quite a number of countries (AT, BE, BG, CY, DE, EE, ES, FR, HU, IT, MT, PL, PT, RO, SK and SI) citizens have difficulties in finding public/official sources and are likely to find non-public sources especially when searching in English (notably expat forums, Wikipedia, NGOs websites etc.). There are also a number of cases where citizens end up on EURES pages and on Your Europe.

There are also cases where citizens end up on non-public sources as information provided by public sources was perceived not tailored to their needs, incomplete and/or difficult to understand (notably for BG, CY, EL, HU and PL)

Finally, the particular case of Slovakia should be noted, where the main source of information is the Migration Information Centre²⁹, which is not a national source but a specific website of the International Organisation for Migration (IOM). This portal provides information, in English and Slovak, for EU citizens but not for TCN family members. The main public source is the Central Public Administration Portal³⁰ but this site is under construction and information is not comprehensive and in Slovak only.

Box 2 Practice Luxembourg: ensuring comprehensive and factually correct information by all actors including non-public actors

Luxembourg's Ministry of Foreign Affairs collaborates with a network of NGOs and private associations providing information and legal advice to EU citizens and their family members. The network, in cooperation with the Ministry, developed brochures for all foreigners moving to Luxembourg. Some of these brochures are specifically targeted at EU citizens and their family members.

In order to ensure the consistency of information provided, the Ministry of Foreign Affairs monitors information delivered by NGOs and private associations, by verifying the content of all publications and documentation on EU citizens' right to free movement, disseminated by the NGOs.

3.2.2 Q 1 - How easy is it to find, with different search engines, the appropriate national websites which provide guidance on how to apply?

Finding the right sources

Finding the right information and the appropriate public websites and web pages (national or sub-national) using search engines can range, depending on country, from very easy (one or two clicks) to time consuming and complicated.

In order to test ease of access, different combinations of search words were used to test the accessibility of search engines³¹. The results show that official information sources occur prominently in some cases, suggesting that efforts have been made to optimise search via search engines. In other cases, main sources do not show up, or show up only after several non-public sources.

Table 3.2 below provides an overview of the ease of access when searching with search engines for information.

Table 3.2 Access to public websites using search engines

Level of ease to find information	Countries
Very easy to find	DK, IE, LU, LV, SE, UK
Easy to find	CZ, FI, LT, PL, RO, SI
Somewhat easy to find	AT, BE, NL, MT
Easy to find only if one speaks the language of the country	FR, EL, ES, HU, IT, PT
Information is difficult to find	BG, CY, DE, EE, SK ³²

Source: country fiches

²⁹ <http://mic.iom.sk/en/residence/general-info/16-pobyt-obcanov-eu-v-sr.html>

³⁰ Slovensko.sk

³¹ E.g. Moving to + name of country, residence + name of country and city, working in + name of country

³² It is easy to find the Migration Information Centre in Slovakia but not the information on the public information portal.

To quite some extent, access through search engines such as Google depends on the language used. It is generally easier to find the right information using the language of the country, as well as, in many cases, using English.

In 16 out of the 27 countries mapped, finding the right websites was relatively easy or even very easy – using the local language and English:

- In six cases, DK, IE, LU, LV and SE and UK finding the right website is very easy using any search word related to the topic. In all of these cases the main sources show up prominently. Likewise, in the cases of CZ, FI, LT, PL, RO and SI finding the relevant websites is easy both in English and in the local language(s).
- In AT, BE and NL searching for relevant information is relatively easy in English and the local language, but not straightforward. For example, in the case of the NL, the information provided is of very good quality, but finding the source is not that easy, as the Immigration and Naturalisation Service's website does not show up in a prominent way when searching with key words.
- Finding the right websites was also easy in six additional countries (FR, EL, ES, HU, IT and PT) but only if the language of the country was used. The customer journey exercise has highlighted that knowing the language of the country is, in some cases, a pre-requisite for finding the right website. For example, in the cases of France and Spain, persons speaking French/Spanish were able to easily find the right websites. This was not the case for non-French/Spanish speakers who had considerable difficulties finding websites of relevance to them and who typically were only able to collect information on non-public sites which did not provide correct and/or comprehensive information.
- Finally, in the case of BG, CY, DE, EE, HU, MT, and SK finding the relevant public websites using search engines is generally complicated irrespectively of which language is used.

Finding the relevant pages once the sources have been identified

Once the relevant websites have been found – and when the appropriate and necessary information is available on the public websites found - it is generally relatively easy to find the pages of relevance (clearly indicated and organised in sections).

There are however, a number of exceptions where this is more difficult or at least not straightforward. In such cases relevant sections are not clearly indicated with “easy to understand” headings. Also EU citizens may not be clearly distinguished from other non-nationals. This causes confusion for the citizen as illustrated in the box below.

Box 3 Finding information on a website without clear headlines

Citizens' experience in Estonia

I looked for information on how to register in Estonia. Finding the relevant website was quite easy. I googled 'Moving to Estonia' and I found the website “Tips for travel”³³.

Through this I found a link to the Police website. However, once on this site, finding the right information was more difficult. There is no obvious section and the information on the Police is not clearly divided between EU and third country nationals. This makes it difficult to understand.”

Italian national, independent (source: Customer journey exercise)

Similar examples may be found in the case of Austria where basic information is generally easy to find, (especially in German) but it is harder to find more detailed information on specific rights or documentation requirements – as it mainly refers back to the legal text

³³ <http://tipsfortravel.net/estonia/moving-to-tallinn/>

(provided in German only). Also, finding information on the conditions for third country national family members is not straightforward. There is not one integrated, easy-to-use website and there are three main sources of information³⁴ which make it more complicated to find the right information. Likewise in the case of CY and MT, it is time consuming finding the relevant information, as no general information is provided – only application forms (and FAQs in Malta).

The country fiches provided in Annex 1 present a country by country overview of the ease of access once the main information sources have been found.

What do citizens search for?

In order to identify how citizens search for information about residence and registration 100 “customer journey mapping” exercises were undertaken by citizens who were invited to participate in the study. Some of these had relocated recently – others were considering it, or could envisage moving.

Each were indicated a city to move to and asked to identify different information related to registration of residence based on their actual situation.

In most cases, customer journey participants used the internet, typically Google, to find information. Few citizens directly used other sources (e.g. telephone or other) but more used email and phone for follow-up inquiries.

When searching online most common key search words used by customer journey participants were the following:

- Moving to MS X
- Home-country Embassy in MS X
- Working in MS X
- Residence in MS X
- Relocation to MS X
- Residence documents MS X

Some also searched specifically for the city, but none looked for the region or province to which they were to move.

The customer journey mapping shows that depending on the keywords, citizens would obtain different results. In some countries – irrespectively of the search words – the main websites were identified right away or quickly (DK, EE, FI, LV, LT, RO, SE and UK). For other countries, specific searches with “residence” as keyword would produce good results – but more generic web searches (moving to, working in...) generally did not allow citizens to find the relevant websites.

For other countries it was difficult to find the right websites, irrespectively of the search words used (AT, BG, DE, EL, HU, MT, NL and PL).

3.2.3 Q2 - How useful it is to try starting at selected natural “points of entry”, such as websites of ministries?

In the assessment of the extent to which the main information sources have been found via “natural points of entries” - the study has considered the following online entry points as potentially natural:

- Ministry sites (notably Justice and Interior),
- “First stop shops for citizens”
- Sites of regional and local authorities,

³⁴ www.bmi.gv.at, www.migration.gv.at and www.help.gv.at

- Public sites at targeted foreigners (migrants and potential migrants for living, working or studying)
- Ministries of Foreign Affairs and embassies.

The extent to which such sources are not the main sources of information, gaining access via these websites requires that they are adequately linked to the main information sites. In this respect the following observations may be made:

- “First stop shops for citizens” (secondary source) mostly link up to the main sources – but often links and references are provided in the local language only, limiting their actual use and accessibility.
- When regional and local authorities are not the competent authorities they rather systematically do not link to the main sources of information. As outlined above, there is mostly little or no information at all (exceptions include notably IT and GE). This is particularly noticeable for regions and municipalities which do not host many incoming EU citizens. References are more frequent on websites of capitals.
- Websites targeting foreigners (migrants and potential migrants for living, working or studying) generally provide some information– but also link up to the main information sources.

In addition to the above, there are cross-country differences. Cross references prevail in countries with clearly defined main entry points for information – and often in countries where the competent authority is not a local one but rather a state agency (for example the prefecture in France). Cross references are often not well established in regionalised countries.

Table 3.3 below reflects the extent to which Member States’ other public websites tend to refer to the main information sites.

Table 3.3 Extent to which other public websites refer to the main information points

Generally some reference (especially from national sites to the main information sites)	Generally little or no reference to main information sites
AT, BE, CZ, DK, FI, FR, EL, ES, HU, IE, LT, LU, LV, NL, SI, SE and UK	BG, CY, DE, EE, IT, MT, PL, PT, RO and SK

Source: country fiches

How interlinks impact access

The customer journey mapping generally highlighted that a lack of links between sources of information could constitute a problem to some extent.

There is very little evidence that citizens will try to access information from Ministry websites – such as the Ministry of Interior or Ministry of Justice. Embassies are a notable exception. Customer journey mappings clearly indicate that citizens who have not yet relocated are likely to look these up – as a first point of call. In such cases, the home country embassy website can be regarded as a natural entry point.

However, embassy websites mostly neither contain any information nor provide links to the relevant websites, as they focus on other issues such as visas and consular services. There are some notable exceptions such as UK, FI and SE. Where such links are provided, the customer journey mapping shows that access to main sources is significantly improved.

The customer journey mapping also suggests that websites of the regional and local authorities – as well as websites of cities - are generally not the first point of call for collecting information. Judging from these results, potential mobile citizens will first look for information at country level.

There is very little to suggest that citizens will look for information specifically concerning the region or the city that they move to. However, if relevant information is not found at national level, customer journey mapping shows that citizens subsequently search for information at

the level of cities. This is the case in DE, EL, IT, NL and PL. In the cases of NL and PL, citizens may look up municipality websites because it is not easy to identify the main information source at national level.

3.2.4 Q 3 - How easy is it to access information provided by competent national authorities through other information channels (leaflets ...)?

In this section, other information channels considered are:

- Printed material
- Hotlines
- Physical access points

Publications

Publications on application procedures are not systematically available. They have been identified in fourteen countries, i.e.: AT, BG³⁵, CZ, DK, ES³⁶, FI, IE, IT, LU, MT, NL, SE, SI and SK. The publications relating to Italy and Finland, mostly focus on TCN outside of the scope of Directive 2004/38, but include a brief mention of EU citizens and their family members.

The extent to which publications improve access to information compared to sources only available online, can, however, be questioned. There is a practical aspect of accessing publications “off-line” for mobile citizens. This is not only a problem for those not yet having moved, but also for those who may have moved, as they do not necessarily know where to find publications. In this respect, contacts with embassies in the framework of the customer journey mapping did not lead to any embassies sending publications.

Publications however, may have a value, notably in countries which experience larger influx of retired citizens (e.g. CY and MT) or an influx of citizens which cannot be expected to be IT literate. Furthermore, print publications have value in cases where information needs to be collected from the authorities at the local level.

Hotlines and email services

All Member States provide some sort of contact at national level which can be used to collect information about residence applications. All EU Member States except the UK have hotlines and/or email services available for information requests, either at national or regional level. Most countries provide national services (in addition often to regional services). In the case of Italy, information services are only provided at regional and local level. In the case of Slovakia, only non-official (NGO) services are provided. Finally for the UK there is a telephone number to the UK Borders Agency (UKBA), but a pre-recorded message indicates that contact centre only provides information on status of applications. There are no email contacts.

Table 3.4 provides an overview of telephone and email services provided, and indicates the extent to which such services are specifically targeted to EU citizens and their family members. As the table highlights, some services have been deactivated or appear not to work. Access to the services is further presented in section 3.2.7.

Table 3.4 Hotlines –availability per country

MS	Availability of helpdesk (phone)	Availability of information request service (email)	Specifically targeted to EU citizens and their family members
AT	YES	YES	NO
BE	YES	YES	NO

³⁵ Only in Bulgarian

³⁶ only in Spanish

MS	Availability of helpdesk (phone)	Availability of information request service (email)	Specifically targeted to EU citizens and their family members
BG	YES	YES	NO
CY	YES	YES	Only the phone number
CZ	YES	YES	NO
DE	YES	YES	NO
DK	YES	YES	YES
EE	YES	YES	NO
EL	YES	YES	NO
ES	Yes - Not working outside the country	YES - Regional ³⁷	NO
FI	YES	YES	NO
FR	YES (not official ³⁸)	YES	NO
HU	Not working	YES	NO
IE	Deactivated	YES	YES
IT	YES - Regional ³⁹	YES- Regional	NO
LT	YES	YES	NO
LU	YES	YES	YES
LV	YES – Regional ⁴⁰	YES	NO
MT	YES	YES	NO
NL	YES	YES	NO
PL	Not working	YES	NO
PT	Yes	NO	NO
RO	YES	YES	NO
SE	Deactivated	YES	NO
SK	YES – but not public ⁴¹	YES– but not public	NO
SI	YES	YES	NO
UK	NO ⁴²	NO	NA

Source: Country fiches and mystery shopping cases

Physical access points

Some countries have physical points of access where mobile citizens can collect information. Examples include ES and DK (in the four main cities). However, such services appear to target those actually applying for residence documents rather than those looking for a source of information.

³⁷ E.g. Autonomous community of Madrid

³⁸ The main information portal “Service public” does provide a hotline service, but advises citizens to contact a telephone number which in fact is operated by Info Migrants (an NGO)

³⁹ For example the Emilia-Romagna region helpdesk services (phone and email)

⁴⁰ Regional OCMA offices

⁴¹ N.B: both services are provided by the Migration Information centre that is not a public authority
<http://mic.iom.sk/en/contact.html>

⁴² there is a telephone number to the UKBA – but a pre-recorded message indicates that the contact centre only provides information on status of applications

3.2.5 Q 4 – To what extent is the information comprehensive, factually correct and allows EU citizens to prepare their application process – or constitutes on the contrary an obstacle?

The comprehensiveness and completeness of the information provided, as well as the extent to which this information can be considered factually correct, up to date and easy to understand, constitute together the key elements determining whether or not the information presented in the main sources allows EU citizens and their family members to prepare their applications (aside from the linguistic issue).

A combination of these elements has been considered in this study to determine whether or not citizens would be able to prepare their applications on the basis of the information provided. The lack of one element (e.g., the information is not totally comprehensive) has not, in principle, been considered as precluding EU citizens and their family members to prepare their applications, since this absence can be balanced by the other elements (such as the fact that the information is easy to understand, up to date etc...).

On this basis, the information has been deemed to allow the EU citizens **and** their family members⁴³ to prepare their applications for registration certificates and residence cards in 16 Member States: AT, CZ, DK, EE, ES, FI, FR, IE, HU, LT, LU, NL, PL, PT, SE and the UK.

Content: Extent to which information is comprehensive and factually correct

The extent to which information is comprehensive and factually correct obviously varies depending on the different information sources available.

Secondary sources

As outlined in section 3.2.1, one or two sources in each country tend to be the main source(s) of information. Many other public sources may exist but these are generally not as comprehensive. When information is presented (in any detail) it generally covers the main categories of employees and students but information is generally lacking on procedures for family members and often on the more detailed requirements for independents and pensioners. Extended family members are rarely covered. Some instances have also been identified in which information was not factually correct. Alternatively, information is often presented in a way which can make the applicant believe that the requirements for TCN which do not fall under Directive 2004/38 apply to TCN family members of mobile EU citizens and who do fall under this Directive.

Likewise, private sources (i.e., sources which are not managed by public authorities) are generally not comprehensive and often are not factually correct. In this respect, the consumer journey exercise has highlighted several issues with incorrect information on non-public websites, blogs and even with secondary public sources.

In a number of instances such information may not only create confusion – but more seriously may impact on EU citizen's behaviour. Negative personal experience reported on blogs and forums by other citizens on what seems a complicated registration procedure described on private sources may lead EU citizens to collect unnecessary documentation or in extreme cases to abandon the idea of registration (cases in Malta).

Main sources

The main sources of information generally provide factually correct information in terms of rights of EU citizens as provided for under the Directive. While there are instances where incorrect information has been identified, these are few and generally relatively minor. In contrast, and as outlined below, in a number of cases information is not comprehensive.

If one considers the main information sources – but also many secondary public sources – information is generally comprehensive as regards:

- The right to stay – 3 months without registration (EU citizens)

⁴³ If information on the family members is not comprehensive Member states have not been included in the list, even if information may be adequate for the EU citizen

- Obligatory or facultative registration (EU citizens) and deadlines
- Requirements and registration for students and employees (for cases where these EU citizens are moving alone)

The main sources usually contain general information for self-employed as well as for retired persons (in cases when they are moving alone), although, as explained above, detailed requirements for these categories are not always covered.

For all categories of EU citizens, information is mostly tailored. However, there are differences in presentational and organisational aspects – with some countries (e.g. CZ, NL, FR, DK, IE, PL and the UK) providing very user friendly options for information search.

Box 4 Practice the Netherlands: The “residence wizard”

The Immigration and Naturalisation Service (the IND) website provides comprehensive information for all foreigners irrespectively of their origin. The information is clearly structured in main categories, with specific categories for EU citizens, which further include specific sections for Croatians, Romanians and Bulgarians⁴⁴ and family members of EU citizens.⁴⁵

Each category of citizens is covered and their rights and the conditions are presented in a systematic and structured format, covering documents to be provided, cost of registration, application procedures, validity of the residence documents and other useful information.

While information is mostly fairly comprehensive on EU citizens, information on family members (in particular TCN family members) tends to be patchier. Information gaps are especially noticeable for family members who are neither partners nor descendants (parents, siblings etc.). Furthermore, information does not make a clear and easily understandable difference between family members from third countries falling within Directive 2004/38 and other TCNs.

Issues with comprehensive information related to TCN family members have been identified in: BE, BG, CY, EL, DE, IT and SI but issues have also been identified in other countries. This is illustrated by the table below and presented in more detail in the country fiches.

In addition to issues with information gaps related to TCNs, the country studies indicate that there are often issues with comprehensive online information on permanent residence. Such gaps occur both as regards EU citizens and TCNs, albeit they are more frequent for TCNs.

Table 3.5 below provides an overview of the extent to which the information is comprehensive and well-structured as regards registration of EU citizens and their family members under Directive 2004/38. The table considers the information provision for the registration certificate, the permanent registration certificate, the residence card and the permanent residence card. It considers national sources (when main sources) and regional and local sources when these are important for information provision.

⁴⁴ According to the IND website Croatian, Romanian and Bulgarian citizens “need to apply for verification against EU Law and have to request the issue of a certificate of lawful residence. Bulgarians and Romanians are required to have a work permit to access the Dutch labour market. See <http://www.ind.nl/en/Residence-Wizard/eu/Pages/default.aspx>

⁴⁵ Until 1 January 2014

Table 3.5 Extent to which information is comprehensive

Member State	EU citizen		EU citizen's family member	
	Registration certificate	Permanent residence	Residence card	Permanent residence
Austria (regional/local information sources important)	National: information on rights and application procedures of reasonable satisfactory quality but no information on documentation requests and citizens' rights in specific circumstances (only reference to the law). Comprehensive information at local level ⁴⁶	Limited information relating to the right to permanent residence at national level. Comprehensive information at local level ⁴⁷	National: information on rights and application procedures is patchy and refers back to the law (including for documentation). Comprehensive information at local level ⁴⁸	Limited information relating to the right to permanent residence. Comprehensive information at local level ⁴⁹
Belgium (regional/local information sources important)	Information is scattered. Information about rights and document requirements available but patchy on most websites (only comprehensive on one of the local sites reviewed).	Information about the right to permanent residence is available at national level. It details the procedure and links to the relevant application form. No information is available at local level	There is generally little or no information on EU free movement rights on the websites reviewed (national, regional and municipality level). When information is available it focuses on the following elements: application procedures, deadlines and modalities of the registration with the municipality.	Little information about the right of permanent residence available at national level. No information is available at local level.
Bulgaria	Scarce information on rights, obligations and documents required. Information is not well structured (a PDF provides all information	Limited information relating to the right to permanent residence. Conditions to be met are not clearly explained.	Scarce information on rights, obligations and documents required. Information is not well-organised.	Limited information relating to the right to permanent residence. Conditions to be met are not clearly explained.

⁴⁶ Provided on the website of Vienna

⁴⁷ Provided on the website of Vienna

⁴⁸ Provided on the website of Vienna

⁴⁹ Provided on the website of Vienna

Member State	EU citizen		EU citizen's family member	
	Registration certificate	Permanent residence	Residence card	Permanent residence
	available).			
Cyprus	Information provided only in the application form – no information outside the forms on rights, obligations, deadlines, procedures etc.	Information provided only in the application form – no information outside the forms on rights, obligations, deadlines, procedures etc.	Information provided only in the application form – no information outside the forms on rights, obligations, deadlines, procedures etc.	Information provided only in the application form – no information outside the forms on rights, obligations, deadlines, procedures etc.
Czech Republic	Comprehensive, easy to understand and well-organised information.	Comprehensive, easy to understand and well-organised information.	Comprehensive, easy to understand and well-organised information.	Comprehensive, easy to understand and well-organised information.
Denmark	Information is comprehensive, detailed, easy to understand and tailored to all EU citizens' categories.	Some information available, but the information provided is not well structured or easy to understand.	Information is comprehensive, detailed, easy to understand and tailored to all EU citizens' categories. Information available only in the migration portal and not with the competent authority.	Some information available, but the information provided is not well structured or easy to understand.
Estonia	Good quality and comprehensive information. It covers rights, procedures and supporting documents.	Good quality and comprehensive information. It covers rights, procedures and supporting documents.	Good quality and comprehensive information. It covers rights, procedures and supporting documents.	Good quality and comprehensive information. It covers rights, procedures and supporting documents.
Finland	Information provided is reasonably good but not fully comprehensive (no information on application fees and fines).	Police website mentions the right to permanent residence after 5 years. No information on procedures to obtain the permanent residence.	Information provided is reasonably good but not fully comprehensive (no information on application fees and fines).	Police website mentions the right to permanent residence after 5 years. No information on the procedure to obtain permanent residence.
France	Information is comprehensive, accurate, easy to find and of good quality. Please adjust the three other ones	Information is comprehensive, accurate, easy to find and of good quality	Information is comprehensive, accurate, easy to find and of good quality	Information is comprehensive, accurate, easy to find and of good quality

Member State	EU citizen		EU citizen's family member	
	Registration certificate	Permanent residence	Residence card	Permanent residence
Greece	Limited information is provided: mainly list of documentation required ⁵⁰ .	Limited information is provided: mainly list of documentation required.	Scarce information. Only application forms are tailor-made. No clear distinction between EU citizen's family members and other TCN. Not easy to understand (reference back to legislation).	Scarce information. Only application forms are tailor-made. No clear distinction between EU citizen's family members and other TCN. Not easy to understand (reference back to legislation).
Germany (regional/local information sources important)	Very little information at national level. Patchy information at regional and local level and sometimes not well organised.	No information at national level. Patchy information at regional and local level and sometimes not well organised.	No information at national level. Patchy information at regional and local level and sometimes not well organised.	No information at national level. Patchy information at regional and local level and sometimes not well organised.
Hungary	Information of satisfactory quality - covers rights, deadlines, costs and documents required.	Information of satisfactory quality - covers rights, deadlines, costs and documents required.	Information of satisfactory quality - covers rights, deadlines, costs and documents required.	No information could be found about permanent residence rights and documents.
Ireland	Information provided is comprehensive. It is clearly stated that EU citizens do not need to register. Information on rights and limitations of rights is also provided.	Comprehensive information (incl. rights and who can apply, legislation, document requirements, application deadlines and changes in circumstances etc.	Comprehensive and accurate information as regards residence cards. Information is, however spread across different sections on both main information sources.	Comprehensive information (incl. rights and who can apply, legislation, document requirements, application deadlines and changes in circumstances and, in addition to the application form).
Italy (regional/local information sources important)	Migration portal: no information.	Migration portal: no information.	Main police website: Some limited information.	Main police website: Some limited information on rights, no information on documentation requirements.
	Regional/Local websites: When available, information is comprehensive but not always well structured or tailored to EU citizens' categories.	Regional/Local websites: When available, information is comprehensive but not always well structured or tailored to EU citizens' categories.	Regional/Local websites: Refer to the main police website.	Regional/Local websites: Refer to the main police website.

⁵⁰ It is reported by the authorities that the Ministry website is currently being improved.

Member State	EU citizen		EU citizen's family member	
	Registration certificate	Permanent residence	Residence card	Permanent residence
Latvia	Information is of good quality and is comprehensive. However, information on fees is unclear. The website is currently under construction.	Information on permanent residence only includes documentation requirements.	Information is of good quality but is not comprehensive. Information on when citizens should register, the immediate issuing of the card, deadlines for decisions and the validity of the documents is not provided for TCN family members.	Information on permanent residence only includes documentation requirements.
Lithuania	Good quality and comprehensive information.	Good quality information but partially comprehensive – information on documents required is vague.	Good quality and comprehensive information.	Good quality information but partially comprehensive – information on documents required is vague.
Luxembourg	Comprehensive and tailored information (all categories are covered). Information is easy to understand and well structured.	Comprehensive information on permanent residence.	Information is comprehensive, easy to understand and well structured.	Comprehensive information on permanent residence.
Malta	Limited information concerning rights and procedures. General information is provided (application fees, where to apply, if face to face application is needed, where to collect documents and where to apply), but not comprehensive or well structured.	Some limited information – information is not comprehensive or well structured.	Basic information concerning rights and requirements to register – including practicalities, but not comprehensive or well structured.	Information on the application procedure for permanent residence is not provided.
Netherlands	Information is comprehensive, detailed, easy to understand and tailored to all EU citizens' categories.	Information is comprehensive, detailed, easy to understand and tailored.	Information is comprehensive, detailed, easy to understand and covers all types of family members.	Information is comprehensive, detailed, easy to understand and tailored.
Poland	Comprehensive, easy to	Comprehensive, easy to	Comprehensive, easy to	Comprehensive, easy to

Member State	EU citizen		EU citizen's family member	
	Registration certificate	Permanent residence	Residence card	Permanent residence
	understand and well-organised information.	understand and well-organised information.	understand and well-organised information.	understand and well-organised information.
Portugal	Satisfactory information with regard to the application procedures and documents required. Information on rights is much more comprehensive at the local level.	Limited information on permanent residence – only refers to legislation.	Satisfactory information with regard to the application procedures and documents required. Information on rights is much more comprehensive at the local level.	Limited information on permanent residence – only refers to legislation.
Romania	Basic information provided with regard to the right to residence of EU citizens. Section on documents required is detailed.	Basic information provided with regard to the right to residence of EU citizens. Section on documents required is detailed.	Information provided mainly regards document requirements.	Information provided mainly regards document requirements.
Slovakia	Comprehensive information with regards to rights and obligations. Relatively poor with regard to the requirements for documentation –not clearly listed.	Comprehensive information with regard to the right to permanent residence. Documentation requirements not clearly listed.	Comprehensive information with regard to rights, obligations and documentation – however lack specifications (e.g. requirements for “documents proving the circumstances of the applicant”).	Comprehensive information with regard to rights and obligations. Required documentation is not listed.
Slovenia	Migration portal: comprehensive information with regard to rights and obligations. Supporting documents are not listed. E-Government portal: information provided is outdated. It only covers provisions of formerly applicable law.	Migration portal: comprehensive information with regard to rights and obligations. Supporting documents are not listed. E-Government portal: information provided is outdated. It only covers provisions of formerly applicable law.	Migration portal: limited information with regard to rights and obligations. Supporting documents are not clearly listed.	National portal for foreigners: limited information on rights and deadlines. Information on documentation required is missing.
Spain	Information is comprehensive,	Limited information on	Information is comprehensive –	Limited information on permanent

Member State	EU citizen		EU citizen's family member	
	Registration certificate	Permanent residence	Residence card	Permanent residence
	including on application procedure, rights and documentation required. However, it is not user friendly or easy to understand as it basically presents the text of the law.	permanent residence. Not user friendly or easy understandable information as it basically presents the text of the law.	including on application procedure, rights and documentation required. However, it is not user friendly or easy to understand as it basically presents the text of the law.	residence. Not user friendly or easy understandable information as it basically presents the text of the law.
Sweden	Comprehensive, and clearly structured (specific section per type of applicant). Good quality information on all aspects of the application procedure.	Comprehensive, and clearly structured. Good quality information on all aspects of the application procedure.	Comprehensive, and clearly structured (specific section per type of applicant) and good quality information on all aspects of the application procedure.	Comprehensive, and clearly structured. Good quality information on all aspects of the application procedure.
United Kingdom	Good quality and comprehensive information. Possibility to tailor information search to specific situations. The information provided is well organised with appropriate links from general to specific information.	Limited information— just a note that it is possible to apply – more information is provided in the application form.	Comprehensive information on rights, application procedure and documents needed. There is a clear distinction between EEA and non-EEA family members.	Limited information – just a note that it is possible to apply –more information is provided in the application form.

Source: Country fiches

The information provided is easy to understand by a layman

Besides the obvious issues posed by language availability, the review of the content provided generally suggests that it is written up in a layman language on the main websites. Judging by the customer journey mapping results citizens have not had significant issues understanding the information provided by the main websites.

Exceptions are Austria (referral to legislation on national sites with regard to TCN family members), Greece (referral to legislation with regard to TCN family members), Spain (the main source of comprehensive information, presents in essence, the legislation)⁵¹, Portugal (limited information on permanent residence, only referral to legislation) and Italy (the main website providing information is difficult to use and its content is not user friendly, particularly with regards to TCN family members).

3.2.6 Q 5 – To what extent does the information provided by competent national authorities (websites, leaflets, etc.) make a distinction between EU citizens and their non-EU family members, on one hand, and other non-EU nationals, on the other hand?

The main national sources generally make a clear distinction between the regime applicable to EU citizens and their family members (falling within Directive 2004/38) and the rules governing the situation of TCNs without family ties to mobile EU citizens (regulated by national law). Typically, a distinct section or web-page is dedicated specifically to the residence rights and requirements under Directive 2004/38.

This however, does not imply that the formulation and organisation of information does not lead to confusion. Indeed, it is in this area where customer journey mappings have confirmed that most confusion occurs as regards the rights of direct and extended TCN family members as opposed to those of other foreigners. Issues encountered typically relate to lack of clarity in the information provided or in some cases scattered information sources without clear links to the relevant information.

Firstly, the distinction between mobile EU citizens' TCN family members moving with the EU citizen on one hand, and TCNs not falling within the scope of Directive 2004/38 is sometimes not clearly made. Often, the lack of distinction and clarity is due to an absence of information about the rights of the TCN family members of mobile EU citizens, as outlined above. Also, in cases where information on the rights of TCN family members of mobile EU citizens is provided, some sources tend to focus and provide more extensive information on TCNs not falling within the scope of Directive 2004/38 (e.g. EL and IT).

Secondly, issues occur when information on TCN family members is provided on websites which do not cover EU citizens and their family members. In the case of EE for example the National Migration Portal does not cover EU citizens, who are instead covered by another website (the main police website which is the competent authority). The Migration portal, however, lacks clear and prominent cross-referencing to the police website.

Finally, the vocabulary used may create confusion. Some official websites refer to "family reunification" when informing on the rights of an EU citizen to bring his/her family members, hence hinting at the more general aliens regime as opposed to the rights conferred by Directive 2004/38. On the Belgian Migration Office website, the information relating to third-country family members of mobile EU citizens is available under the family reunification section⁵². Also, the Madrid municipality site states that third country nationals must produce a legalized statement by the EU citizens expressing their desire for family reunification,

⁵¹ And in Spanish only

⁵² https://dofi.ibz.be/sites/dvzoe/FR/Guidedesprocedures/Pages/Le_regroupement_familial.aspx

mentioning each individual they wish to reunify⁵³. Likewise, the Danish authorities refer to “family reunification under EU law”⁵⁴.

3.2.7 Q 6 – How useful for the application process in practice is information provided by competent national authorities in a general manner (e.g. multilingual websites or leaflets) or through personalised guidance (contact person, dedicated phone number) and how user-friendly it is?

This section covers the issue of languages, personal services and user friendliness. Quality of the content of the information provided online was presented above. Therefore as regards to **quality and user-friendliness** this section covers only personalised guidance.

Language availability of online services

A clear majority of the Member States provide information in two languages – typically the language(s) of the country and English.

In addition to English and the local language(s) some national public sources further provide information in other languages (DK, EE, LT, LV, IE and SI). Where additional languages are provided, these tend to be languages used in neighbouring countries (LT, LV and SI). Alternatively the information tends to be less comprehensive than in the main language.

In six countries, the public information sources are exclusively presented in the language of the country (BG, ES, FR, HU, SK and UK) – or only in English (MT).

While many Member States provide information in English, there are instances in which websites state that versions in other languages exist, but when clicking on them, these are incomplete (DE, HU, IT or LV). Alternatively, they may provide more limited content than what is provided in the local language (AT and EL) or information may differ from the information provided in the home language (IT). Finally, there are cases where information in English is very difficult to find as only the local language can be used to find the relevant pages in English (EL).

Table 3.6 provides an overview of the language availability of online sources.

Table 3.6 Language availability

Official (main) sources available in one language	Official (main) sources available in two languages	Official (main) sources available in three languages or more
<ul style="list-style-type: none"> ■ BG,⁵⁵ ■ FR⁵⁵, ■ ES, ■ HU⁵⁶ ■ MT⁵⁷ ■ SK⁵⁸ ■ UK.⁵⁹ 	<ul style="list-style-type: none"> ■ AT (DE, EN) – partial information in EN⁶⁰ ■ CY (EL, EN) ■ CZ (CZ, EN)⁶¹ ■ DE (DE, EN) – partial information in EN⁶² ■ EL (EL, EN) – partial 	<ul style="list-style-type: none"> ■ BE (FR, NL, EN) ■ DK (mainly DK and EN, but also some information in DE and PL) ■ EE (EE, EN, RU) ■ FI (FI, EN, SE) ■ IE (IE, EN – some

⁵³ http://www.madrid.org/cs/Satellite?cid=1142352557070&idPaginaAsociada=1142352557070&language=es&pagename=PortallInmigrante%2FPagina%2FINMI_pintarContenidoFinal

⁵⁴ https://www.nyidanmark.dk/en-us/coming_to_dk/eu_and_nordic_citizens/eu-eea_citizens/family_reunification_in_denmark/family_reunification_in_denmark_for_union_citizens_and_eea_nationals.htm

⁵⁵ There are links to websites providing information in other languages but it is not always relevant. In some cases, there is no translation of the French websites available

⁵⁶ The main public information source includes also an EN, FR and DE version but they all lack essential aspects related to EU citizens and their family members.

⁵⁷ In Malta, information is only provided in EN

⁵⁸ The main public information source is only available in Slovak. The Migration Information Centre (non-official source) provides information in Slovak, English and Russian.

⁵⁹ Information is provided only in EN in the UKBA website although some minor aspects of other websites are provided also in Irish and Welsh

Official (main) sources available in one language	Official (main) sources available in two languages	Official (main) sources available in three languages or more
	<ul style="list-style-type: none"> information in EN⁶³ ■ IT (IT, EN) – little information in EN⁶⁴ ■ NL (NL, EN) ■ PL (PL, EN) ■ PT (PT, EN)⁶⁵ ■ RO (RO, EN) ■ SE (SE, EN) 	<ul style="list-style-type: none"> information in FR, PL, RO,) ■ LT (LT, EN, RU⁶⁶) – partial information in EN ■ LV (LV, EN, RU) ■ LU (FR, DE, EN – and more limited information in PT⁶⁷) ■ SI (SI, EN, AL, BA, CN, ES, FR, HU IT, RU)

Source: country fiches and country report

The lack of availability of information in different languages raises concerns with regards to the accessibility and usefulness of the information for non-nationals seeking to move to a specific Member State. Not only does it represent a barrier, but it also significantly increases the likelihood that non-official sources are used – as illustrated by the examples in Box 5.

Box 5 Finding information if one does not speak the language

Citizens experience in Spain and Bulgaria

Customer journey mappings undertaken by EU citizens highlight the importance of the language capabilities of the potential applicants. Finding the right information may be impossible if one does not speak the language. Cases from Spain and Bulgaria may illustrate this issue:

- “I wanted to find information about what to do to register in Spain when moving to Seville. I googled ‘Moving to Seville, Spain’ and found the website ‘Expats Arrivals’. Little information was available so I thought to look for Spanish words, such as ‘Registro ciudadanos EU’. As I do not speak Spanish, this took a lot of time. I finally managed to find a website providing information to foreigners but it is not official, and it is only in Spanish. It nevertheless provided some information. Thanks to this site I realised that I had to Google ‘extranjera de Sevilla ciudadanos europeos’. This directed me to the Ministry of Interior webpage⁶⁸. I also found the Ministry of Employment website⁶⁹. In both cases, however, information is only in Spanish. Due to my limited knowledge of Spanish I now know that I need to register, but what I need to provide is not clear. If you don’t speak Spanish you only find information on non-official websites.” (Italian self-employed)
- As a self-employed person I wanted to find information about moving to Bulgaria and how to

⁶⁰ Several pieces of information in DE only (e.g. on help.gv.at)

⁶¹ And DE, BG, RO for the brochure

⁶² For example the relevant information in the Berlin and Hamburg websites is only provided in German

⁶³ The Ministry of Interior and the Police websites offer English translations of part of the content. However, these translations do not always cover the most relevant information which is mainly provided in Greek.

⁶⁴ The regional information are only in IT – which are the main sources

⁶⁵ Local websites are only provided in PT

⁶⁶ Although no info in RU for EU citizens and family members

⁶⁷ Some more limited information in other languages, such as Portuguese

⁶⁸ <http://www.interior.gob.es/extranjeria-28/ciudadanos-de-la-union-europea-718/numero-de-identidad-de-extranjero-nie-723?locale=es>

⁶⁹

<http://extranjeros.empleo.gob.es/es/InformacionInteres/InformacionProcedimientos/CiudadanosComunitarios/hoja102/index.html#aplicacion>

register. I googled moving to Bulgaria and similar sentences. No official website came out of the query. Via ex-pats forums⁷⁰ I came across the info in Bulgarian but I could not understand it. I also came across the information provided by private websites⁷¹. Broadly speaking, the information provided in such a format was very disappointing. Even now I have not managed to find any information on official sources. According to a private web site I can stay up to 90 days without registering in a police office. The conditions are not explained. For registration it seems that the same rules apply to EU nationals and non-EU citizens (according to a private website). I was not able to find any information about requirement to register, no information about the steps to take to get a residence document, no forms to apply and no information about costs. I only know that I have to apply with the police (which is not correct) and within 90 days (Slovenian self-employed).

Source: Customer journey exercise

Language availability of hotlines and email services

In most countries telephone services are provided in English in addition to the local language. As outlined above, national 'personal' services – email and/or phone - have been identified in 26 countries. Most of them are provided by national authorities, with the exception of Slovakia, where a hotline is provided by the Migration Information Centre within the IOM. Also, as noted above regional services exist in some regions in Italy.

The testing of the hotlines – to the extent that a reply was provided - confirmed that most services have operators that speak at least English in addition to the local languages.

In a few countries (AT, BG and RO), actual use has been dependent on the person's ability to speak the local language. In other countries it was not possible to test the hotlines as no replies were provided (see below).

Table 3.7 below provides an overview of the language availability of hotlines and/or email services⁷².

Table 3.7 Language availability

Hotlines available in one language	Hotlines available in two languages	Hotlines available in three languages or more
<ul style="list-style-type: none"> ■ AT: DE ■ BG: BG ■ IE: EN ■ FR: FR ■ RO: RO 	<ul style="list-style-type: none"> ■ CY: EN, EL ■ CZ: EN, CZ ■ DE: DE, EN ■ DK: EN, DK ■ EE: EN, EE ■ EL: EN, EL ■ ES: EN (only email), ES ■ FI: EN, FI ■ IT: IT, EN (regional hotlines) ■ LT: EN, LT ■ LV: EN, LV ■ NL: EN, NL ■ SE: EN, SE ■ SI: EN, SI ■ SK⁷³: EN, SK 	<ul style="list-style-type: none"> ■ BE: EN, FR, NL ■ LU: EN, FR, DE

⁷⁰ Such as <http://www.expatforum.com/expats/rest-world-expat-forum/122364-self-employed-bulgaria-what-procedure.html>

⁷¹ <http://bulgaria.angloinfo.com/working/eu-factsheets-working/self-employment/> and <http://www.mybulgaria.info/modules.php?name=Forums&file=viewtopic&p=483639>

⁷² HU, MT, PT are not included in the table as nobody responded to enquiries

⁷³ N.B: both services (email and phone) are provided by the Migration Information centre that is not a public authority <http://mic.iom.sk/en/contact.html>

Hotlines available in one language	Hotlines available in two languages	Hotlines available in three languages or more
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Source: Mystery shopping and web-search

Personal services, access and user friendliness

A mystery shopping exercise was undertaken to verify access and user-friendliness of 'personal' services provided by Member States. The mystery shopping exercise verified the efficiency of these services in terms of response time, response rate, relevance of information and tailor-made response to the specific enquiry. In order to ensure consistency the test was generally undertaken in English⁷⁴.

Mystery shopping cases show that the time to receive a reply by email ranges from less than half an hour (Estonia) to more than two weeks (DE, FI and SE).

Also, response rates significantly differ from one Member State to another. In a number of cases (AT, CZ, DK, EE, ES, IE, IT, LU, SE and SK) all information requests received an answer by email. In some cases (BG, CY, MT and RO), none of the mystery shopping requests for information received a reply. With regard to the information provided by email, this is generally factually correct and detailed. However, in a significant number of cases (BE, CZ, DK, EE, HU, IE, LU, NL and SI) the information was not tailor-made to the specific enquiry.

Response time in relation to helpdesk (phone number) also varies. This ranges from a few minutes (BE, CZ, DE, LU and SK,) to over twenty minutes in some cases, after which the attempt was abandoned (AT, DK, FR, SI and UK). In these cases, at least four attempts were made.

Response rates are generally lower compared to online information request services. In three cases (FI, IE and SE) although the main information source refers to the existence of a helpdesk, these have in fact been deactivated. Pre-recorded messages invite citizens to send an email. In the case of Slovenia, the helpdesk generally invites citizens to contact their home country embassy for further information.

Mystery shopping suggests that there are occasional issues with factually correct information provided by hotlines (phone or email). Issues identified include information with regard to documentation requirements for TCN family members (CZ, BE and SI) and additional requirements not included in the legislation (EL).

Information provided by email is generally more detailed and more comprehensive than information provided by operators, with the exception of Slovakia, where the helpdesk run by the Migration Information Centre provides very detailed, comprehensive information also by phone.

Table 3.8 provides an overview about the access and usefulness of personal services, where available.

⁷⁴ With the exception of France – where the service was tested both in French and English

Table 3.8 Personal services provided by phone and by email - Access and user-friendliness

Member State	Response rate and response time (phone helpdesk)	Response rate and response time (email helpdesk)	Relevance of information (factually correct)	Tailor-made to the specific case
AT	0% response rate – various transfers without reply (more than 10 minutes)	100% response rate Average time for reply: 1 day	Phone: Information provided only in German Email: information provided generally factually correct and detailed, also including list of requirements (reply in German)	Yes
BE	100% response rate Average time for reply: few minutes	75% response rate Average time for reply: 1 day	Phone: information generally factually correct with regard to EU citizens. Not factually correct in relation to non-EU family members Emails: factually correct and detailed	No
BG	Average time for reply: more than 10 minutes Replies only in Bulgarian – so could not be tested	0 % response rate Average time for reply: NA	NA	NA
CY	0% response rate (no reply within 20 minutes)	0% response rate Average time for reply: NA	NA	NA
CZ	100% response rate Average time for reply: 5 minutes	100% response rate Average time for reply: 1 week	Phone: information generally factually correct with regard to EU citizens, not factually correct in relation to non-EU family members Email: factually correct and detailed	No
DE	100% response rate Average time for reply: few minutes	50% response rate Average time for reply: 7 days	Phone: factually correct and detailed Email: factually correct, not detailed. It includes list of contact details	Yes
DK	0% response rate (no reply within 20 minutes)	100% response rate Average time for reply: 1.5 days	Email: factually correct and detailed	No

Member State	Response rate and response time (phone helpdesk)	Response rate and response time (email helpdesk)	Relevance of information (factually correct)	Tailor-made to the specific case
EE	0% response rate (no reply within 20 minutes)	100% response rate Average time for reply: ½ hour	Email: factually correct, not detailed. It also provides link to the application form	No
EL	100% response rate Average time for reply: 5 minutes	0% response rate Average time for reply: NA	Email: no reply Phone: information generally factually correct with regard to EU citizens (in one case additional document requested). Not detailed	Yes
ES	Cannot be reached outside of Spain	100% response rate Average time for reply: 1 day	Email: factually correct, detailed	Yes
FI	Deactivated	50% response rate Average time for reply: 2 weeks	Email: factually correct, not detailed	Yes
FR	0% response rate (no reply within 20 minutes or operators reached do not speak EN)	100% response rate Average time for reply: 4 days	Phone: operators do not speak English Emails: information is limited to links to the service public website	No
HU	0% response rate Either pre-recorded message – or no reply within 20 minutes	NA	Phone: not working Email: only provides general information and invites to contact the phone helpdesk that does not work	No
IE	Deactivated	100% response rate Average time for reply: 1 day	Email: information is factually correct, not detailed Phone: the service has been deactivated	No
IT	National - cannot be reached outside of Italy	100% response rate Average time for reply: 2 days	Email: information is factually correct, not detailed	Yes
LT	0% response rate (no reply within 20 minutes)	50% response rate Average time for reply: 1 day	Email: factually correct, detailed	No
LU	100% response rate Average time for reply: few minutes	100% response rate Average time for reply: 2 days	Phone and email: factually correct but not very detailed	No

Member State	Response rate and response time (phone helpdesk)	Response rate and response time (email helpdesk)	Relevance of information (factually correct)	Tailor-made to the specific case
LV	0% response rate (no reply within 20 minutes)	33% response rate Average time for reply: 5 days	Information provided is factually correct but not very detailed	Yes
MT	0% response rate (no reply within 20 minutes)	0% response rate Average time for reply: NA	NA	NA
NL	0% response rate (no reply within 20 minutes)	50% response rate Average time for reply: 1 day	Email: factually correct, not detailed. It provides link to the main website	No
PL	Not working	50% response rate Average time for reply: 2.5 weeks	Email: factually correct, detailed	yes
PT	0% response rate ⁷⁵ Average time for reply: more than 20 minutes	0% response rate Average time for reply: NA ⁷⁶	NA	NA
RO	0% response rate Average time for reply: more than 20 minutes	0% response rate Average time for reply: NA	NA	NA
SE	Deactivated	100% response rate Average time for reply: 2 weeks	Phone: not working or does not exist Email: factually correct, detailed. It includes link to the application form	Yes
SI	100% response rate Average time for reply: more than 10 minutes	0% response rate Average time for reply: NA	Phone: information generally factually correct with regard to EU citizens, not always factually correct in relation to non-EU family members	No
SK	100% response rate Average time for reply: few minutes	100% response rate Average time for reply: 1 day	Phone and email: factually correct and comprehensive also with regard to difficult cases. Operators friendly and knowledgeable Email: factually correct, very detailed	Yes

⁷⁵ Regional units of SEF (competent authority)

⁷⁶ SEF Information centre (competent authority)

Member State	Response rate and response time (phone helpdesk)	Response rate and response time (email helpdesk)	Relevance of information (factually correct)	Tailor-made to the specific case
UK	Pre-recorded message which indicates that the UKBA only provides information on status of applications	Email service does not exist	NA	NA

Source: Mystery shopping

3.3 Theme 2 Pre-application phase during which EU citizens and their family members prepare to lodge their applications

Theme 2 includes an analysis of the application formalities and the burden hitherto on EU citizens and their families. The ToR specifies that three questions are to be addressed under this theme. In order to set the context of Theme 2 it is useful to consider the extent to which registration is required by Member States – and hence where it is compulsory to prepare an application.

3.3.1 Context: which countries require registration?

Registration for residence documents

Most EU member States require registration as defined by Directive 2004/38: 22 Member States currently require registration of EU citizens and their family members (residence documents).

Countries in which registration of EU citizens is not mandatory are IE (registration is not possible), CZ, DE, and the UK. Although formally mandatory, registration in France is *de facto* facultative due to the lack of adoption decree which defines the modalities of issuance of registration certificates.⁷⁷ Finally, Sweden intends to abolish the requirement for registration certificates (by 1 January 2014) and the Netherlands is currently considering it.

Registration is mandatory for TCN family members in all Member States but the UK - where it is formally facultative for TCN family members⁷⁸. In practice, however, residence documents are necessary to prove that the family member is lawfully resident in the UK, to travel⁷⁹ and for obtaining work or change employment. Therefore, it may be considered mandatory in practice.

National procedures for inscription in the population register or for reporting presence to the authorities

National law in 15 Member States requires that EU nationals and their family members report their presence or inscribe themselves in the population register at local level – beyond the eventual registration for residence documents. When this type of inscription/reporting takes place, it is mandatory for all foreigners residing in the territory (and mostly also for nationals⁸⁰).

Three types of reporting/inscriptions have been identified for EU citizens and their family members:

- Notification of presence on the national territory with the police (CZ⁸¹, SI⁸² and SK⁸³) and
- Inscription at the population register/with the municipalities (AT, DE, DK, EE, FI, LU, LV, NL, PL, SE – or with the tax authorities (EL)
- Specific inscription for TCN (IE)

In two cases (AT and NL) is there a direct relation to residence registration under Directive 2004/38, in the sense that the inscription with the municipality is needed for the residence documents applications. In other countries inscription in the population register is only possible once the registration for residence documents has been undertaken (DK, FI, LV, and SE). Finally,

⁷⁷ According to the Ministry of Interior

⁷⁸ <http://ukba.homeoffice.gov.uk/eucitizens/documents-family/>

⁷⁹ Necessary to obtain an EEA family permit before returning to the UK

⁸⁰ Albeit nationals may automatically be registered or requirements for foreigners may be different than those of nationals (e.g. SE)

⁸¹ Within 30 days of entering the Czech Republic, all foreigners are required to report their presence to the appropriate Foreign Police Department that holds jurisdiction in the location of their stay in the Czech Republic.

⁸² All foreigners are required to register at the police within 3 days of entering the Republic of Slovenia

⁸³ All foreigners are required to notify their presence in Slovakia to the Police department within 10 days of entering the territory

in EE, EU citizens obtain the right of temporary residence upon registration of their place of residence in the population register – but registration for residence documents takes place subsequently with the competent authority. In the remaining cases (CZ, SI and SK, with regard to notification of presence, and DE⁸⁴, EL⁸⁵, LU⁸⁶ and PL⁸⁷) no direct relation has been found between reporting requirements and registration for residence documents.

Reporting presence or inscriptions are out of the scope of this assignment. However, these are important to consider in so far as:

- They imply *de facto* additional administrative burden for the citizens and their family members. Indeed, in many cases reporting presence or inscriptions in the population register needs to be done in person, implying that the citizen needs to visit not only a single authority but two. As outlined below, reporting presence or inscriptions may in some cases require specific documentation.
- They sometimes provide the citizens with a personal identification number or other form of identity which they need for different transactions in their everyday life in the MS of residence (e.g., NL, DK and PL).

Therefore such requirements – which are detailed in each of the country fiches - need to be considered when addressing any potential options for facilitated registration procedures.

In order to facilitate the accomplishment of bureaucratic formalities and procedures for all foreigners Denmark has set up a “one stop shop”.

Box 6 Practice Denmark: International Citizens Service

Since 2011, International Citizens Services (ICS) are operating in each of the four main cities of Denmark: Copenhagen, Aarhus, Odense and Aalborg.

The ICS federates a range of public services and assists all foreigners on any administrative issues, including application and processing of residence documents, tax card, social security/ID number (CPR), health insurance, driving licence and registration of cars. They in addition provide personal guidance for job seekers (EURES), information on Danish courses and general information about studying, living in Denmark, including accommodation, schooling, day-care for children and recognition of qualification.

In 2011 the Competent authorities in the ICS provided service to 3,595 EU-citizens, who presented themselves to the ICS. The corresponding figure for 2012 is 5,857 EU citizens. ICS prepares quarterly satisfaction surveys among users of ICS. They have since the beginning of 2011 shown that users are very happy with the services in ICS (over 80% of satisfaction rate).⁸⁸

Table 3.9 provides an overview of the specificities of registration of residence the Member States– and other forms of registration.

⁸⁴ In Germany, EU citizens (as any foreigner or German who is occupying a flat or a house) have to register with the local authorities (Anmeldung). See, for example, <http://service.berlin.de/dienstleistung/120686/>

⁸⁵ In Greece, EU citizens (as nationals) have to request a tax identification number (AFM). The AFM is issued by local tax authorities. The AFM is unique for each individual. In order to issue AFM, EU citizens need to have a valid passport. Third-country nationals need to have a residence card or work permit (if they are not family members of EU citizen). Also, proof of residence is also asked. The AMF is necessary for Greek citizens too.

⁸⁶ Reporting regards a declaration of arrival to the register of population in the case of LU

⁸⁷ Registrations in the population register in the case of PL

⁸⁸ The authorities of the ICS are about to undergo an evaluation where this issue will also be sought studied. This evaluation is expected to be completed during autumn 2013

Table 3.9 Systems of registration in the Member States

Country	Registration /residence documents EU Citizen	Registration /residence documents TCN family member	Requirements for inscription in the population register or for reporting presence	Comments
AT	Mandatory	Mandatory	Residence registration is needed (Meldezettel) in addition to the registration for residence documents. The Meldezettel is needed for the application for residence documents.	
BE	Mandatory	Mandatory	No	
BG	Mandatory	Mandatory	No	
CY	Mandatory	Mandatory	No	
CZ	Facultative	Mandatory	Registration at the police within 30 days of arriving if not done by the host (e.g. a hotel or a person).	
DE	Facultative	Mandatory	“Anmeldung” with the municipalities (as for Germans).	Germany has amended the Freizügigkeitsgesetz/EU on 21 January 2013. With that amendment Union citizens do not have to register with the Ausländeramt.
DK	Mandatory (with the exception of Nordic citizens)	Mandatory	At the Municipality - Subject to having residence documents. Personal ID number issued.	
EE	Mandatory	Mandatory	Citizens are required to register with the population register (registration of residence).	Registration with the population register forms part of the registration process for the issuance of residence documents.
EL	Mandatory	Mandatory	Registration for a Tax identification number is needed.	
ES	Mandatory	Mandatory	All citizens who have obligations towards the Spanish tax system need to apply for a Foreign Identification Number (NIE); citizens can apply before or at the same time as applying for residence documents.	
FI	Mandatory (with the exception of Nordic citizens)	Mandatory	At the local register office/register of population. Personal ID number issued.	

Country	Registration /residence documents EU Citizen	Registration /residence documents TCN family member	Requirements for inscription in the population register or for reporting presence	Comments
FR	Formally mandatory. De facto Facultative Mandatory for BG and RO	Mandatory	No	The application decree defining the modalities of issuance of registration certificates has not yet been adopted. As a consequence, in practice, EU citizens either do not register or voluntarily request a registration certificate.
HU	Mandatory	Mandatory	No	
IE	Not possible	Mandatory	TCN family members need to register with the Garda Síochána and receive an Immigration Certificate of Registration (GNIB card).	
IT	Mandatory	Mandatory	No	
LT	Mandatory	Mandatory	No	
LU	Mandatory	Mandatory	At the local registrar of population (Municipality) – within 8 days of arrival.	
LV	Mandatory	Mandatory	Registration of residence with the municipality.	
MT	Mandatory	Mandatory	No	
NL	Mandatory (expected to be discontinued)	Mandatory	Registration with the municipality (Municipal Record database). Registration needed for the application for residence documents. Personal ID number issued (PIN)	
PL	Mandatory	Mandatory	Registrations in the population register – within 30 days of arriving. Personal ID number issued (PESEL). This will be removed from 2016.	
PT	Mandatory	Mandatory	No	
RO	Mandatory	Mandatory	No	
SE	Mandatory excepted – Nordic	Mandatory	With the tax authorities – after 3 months. Personal ID number issued.	The Swedish Tax Agency, responsible for the inscription in the population register and for issuance of the personal

Country	Registration /residence documents EU Citizen	Registration /residence documents TCN family member	Requirements for inscription in the population register or for reporting presence	Comments
	citizens (expected to be discontinued from 2014)			identification number, makes its own assessment of the existence of a right of residence. A recent change of legislation – due to enter in force as of 1 January 2014 - reinforces this role as it states that only aliens having rights of residence can be registered in the population register, and that the Swedish Tax Agency may request documentation to assess rights of residence and documents to monitor settlement in Sweden (Legislation.
SI	Mandatory	Mandatory	Reporting presence to the police within 3 days of entering the Republic of Slovenia.	
SK	Mandatory	Mandatory	Reporting presence to the police within 10 days of arriving in SK (if not done by the host (e.g. a hotel).	
UK	Facultative Mandatory for BG and RO	Formally facultative In practice mandatory	No	Formally facultative for TCN family members to register for residence cards. ⁸⁹ In practice however needed to prove that the family member is lawfully resident in the UK and to travel (need for an EEA family permit before returning).

Source: country fiches

⁸⁹ <http://ukba.homeoffice.gov.uk/eucitizens/documents-family/>

3.3.2 Q 7 - How user-friendly is it to fill in the application form (e.g. whether the forms are multilingual, whether there is sufficient guidance provided in the form itself or in its annexes)?

Finding the application forms is generally easy once the main information sources have been found online. There is little to suggest that forms are overly complicated compared to other administrative forms targeted at citizens of the Member State.

Application forms are available online for all Member States, apart from BE and SI. In these cases it is a de facto requirement to pick up the form in person.

More than half of the Member States (15) provide multilingual application forms – or different language versions of the application form, with English being the most common “second” language. In IE, MT and UK forms are exclusively available in English.

Guidelines on how to complete the application forms are integrated in the forms of 14 Member States. The absence of such guidelines is however generally not a problem in the remaining Member States, as information on the documents required is normally provided in the national websites storing the online application forms. Mostly also, the main elements of the forms themselves are self-explanatory.

Judging by the availability of forms, the general guidance documents, the forms’ questions as well as their content and language availability, it can be concluded that these are relatively easy to complete in 15 Countries (CY, CZ, DK, EE, EL, FI, HU, IE, LV, MT, NL, PT, RO, SE and SK) subject to the applicant speaking English. An exception to this is the UK form (EU citizens and TCN family members), which, even though complemented by guidelines, is considered as a difficult form to complete given its length (28 pages), and the high amount of information requirements attached to it (see below).

In the remaining countries (AT, BE, BG, DE, CZ, ES, FR, IT, LU, LT and PL), completing the forms is considered relatively easy if the applicant understand the local language. However, in the case of AT, CZ, ES, FR, IT and, PL, the forms also have to be filled in in the language of the country – requiring that the applicant also master the language in writing.

The table below details the different languages in which application forms are available and where guidelines are included in these forms.

Table 3.10 Member States offering online, multilingual application forms and guidelines

Member States where application forms are available online	Member States where the applications forms are multilingual	MS where guidelines are provided in the application forms
AT, BG, CY, CZ, DE, DK, EE, EL, ES, FI ⁹⁰ , FR, HU, IE, IT, LU, LT, LV, MT, NL, PL, PT, RO, SE, SK and UK	<ul style="list-style-type: none"> ■ BE (FR, NL)⁹¹ ■ CY (EL, EN) ■ CZ (CZ, EN) ■ DK (DK, EN) ■ EE (EE, EN, RU) ■ EL (EL, EN,) ■ FI (FI, EN, DE, FR, SE) ■ HU (HU, EN, DE, FR)⁹² ■ LV (LV, EN, RU) ■ NL (NL, EN) ■ PL (PL, EN, FR, DE) ■ PT (PT, EN, FR) ■ RO (RO, EN, FR) 	AT, BG, CY, CZ, DK, EL, ES, IE, IT ⁹³ , MT, NL, PL, SE and UK

⁹⁰ Only for EU citizens

⁹¹ The forms are not available online – only the specimens of the forms

⁹² Although forms for family members are only available in HU

⁹³ In some of the forms only (application forms are not unified in IT)

Member States where application forms are available online	Member States where the applications forms are multilingual	MS where guidelines are provided in the application forms
	<ul style="list-style-type: none"> ■ SE (SE, EN) ■ SK (SK, EN) 	

Source: country fiches

3.3.3 Q8 – How extensive is the information applicants must fill in their application forms and how relevant is it under EU law for the decision-making process?

Question 8 relates on the one hand to the information to be provided directly in the form – and on the other to the documentation requirements in order to support the application. Each of these topics is considered in turn.

Information to be provided in the application forms

Forms are mostly relatively short ranging from one to four pages. Overall, they do not require extensive information, or information which is not in line with the Directive. Information requirements include personal information, information on residence, information related to occupation and information related to family ties. Application forms for family members also require information on the principal EU citizen.

There are however, four countries which require information beyond these areas. These are HU, IE, LV and UK. In the case of IE and UK, application forms require information on the criminal record for all applicants (TCN family members in the IE case, and both EU citizens and EU/TCN family members in the case of the UK)

The UK application forms require extensive and detailed information on a possible criminal past including road traffic offences and drink driving offences. More generally, the UK has the longest and most detailed application forms which require detail on any countries in which the applicant has lived for more than 5 five years.

Besides information on criminal records as required in the IE and UK, two Member States, HU and LV, require specific information on the health situation of the applicant. In these forms, applicants are required to certify that they do not suffer from any infectious diseases (HIV, hepatitis, etc.) that may require obligatory medical treatment or mandatory and enforced isolation.

Furthermore, in the case of CZ, HU, SK and PL, there is also a requirement to mention the last residence abroad. In the case of Poland, details on specific personal features, such as eyes and hair colour have to be included in the application form. Finally, in the Danish forms applicants have to consent to 'letting the relevant authorities obtain and pass on information about their private affairs for the purpose of enabling them to process my application. Information can be obtained from or passed onto other Danish and foreign public authorities, including the police authorities'⁹⁴ (both EU citizens and TCN family members).

Documentation to be attached to the application form

Articles 8 and 10 of Directive 2004/38 list the documents that authorities can require from EU citizens and their family members applying for residence documents to provide with their application. The list is exhaustive in the sense that Member States cannot ask for documents other than those listed, as confirmed by the Guidelines on the transposition and application of Directive 2004/38/EC⁹⁵.

⁹⁴ http://www.nyidanmark.dk/resources.ashx/Resources/Blanketter/Ansoegningsskemaer/2008/OD1_ansoegning_eu_opholdsdokument_statsforvaltningen.pdf

⁹⁵ Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0313:FIN:EN:PDF>

According to these Guidelines, Member States may request a legalisation, translation or notarisation of the documents in cases where the national authority cannot understand the language in which the document is written.

De facto documentation requirements – as specified in the application forms - vary quite significantly across Member States. Most countries require supporting documentation, beyond ID documentation. Self-certification is used only in few Member States (an example is DK). In addition, several countries (AT, MT and the UK) highlight that “additional documents may be requested”, without further specifying their nature.

Several Member States have introduced a requirement related to proof of residence, which is not mentioned in the Directive or may informally require it in relation to registration for residence documents (AT BE, CZ CY, DE, IT, HR, SK). Documents proving residence may also be required when registering with the population register (AT, DE, NL and DK). Also TCN dependent family members have to submit a proof of residence (to prove they live together with the EU citizen they are dependent from).

In most of the countries, the lease contract or similar documentation is sufficient. However, CZ, HU and SK have extensive requirements for documentation – including the certification of documents related to residence which can represent an additional administrative burden for applicants – as illustrated in box 7 below. Likewise, some Member States formally require proof of de-registration from the previous place of residence (this seems to be standard practice in some municipalities in BE⁹⁶).

Box 7 Administrative burden associated with proof of residence

Citizens experience in Slovakia

HU, SK and CZ set out specific requirements for proof of residence, including certification of such documents. The results of this study suggest that such requirements imply additional administrative burden for the applicant. The following examples, taken from survey respondents in Slovakia, illustrate the practical issues encountered by EU citizens with obtaining these documents:

- “Together with the application I had to provide a special form for the proof of accommodation. This requirement was not stated online which made me come back to the immigration police twice. The document is provided by the land register (*Cadastral Office*). The document which was provided to us had a minor error. Consequently the document was not admissible and we had to get a new document. Also, the notary put the wrong stamps on the documentation. I consequently had to go for extra stamps at the *Cadastral Office*. I also had to get stamps at the post” (*German employee who applied for residence documents 6 months ago in Slovakia*).
- “In order to obtain my residence documents I had to provide a proof that the landlord was the real owner of the flat. It's a standard document provided by the land register. This document was not easy to obtain. It took time and I had to pay for it. It did not help that the website of the police was chaotic and not user friendly and that the clerks did not speak foreign languages” (*Romanian employee who applied for residence documents two years ago in Slovakia*)

Source: Citizens consulted via the survey

Specific documents required from EU citizens who exercised their right of free movement as students and employees are generally in line with the requirements of the Directive. However, in several Member States (DK, MT, NL and SE), self-employed applicants are requested to provide documents which, though valid as proof of the applicant's situation as self-employed, may in some cases represent a heavy administrative burden.

⁹⁶ Judging by the review of local websites.

In one Member State (MT), judging by survey results, self-sufficient persons can be required to show bank statements, even in cases where they can provide proof that they receive a pension. In addition, bank statements are often required to be certified. In a few countries, the review of cases submitted to YEA shows instances where competent authorities have required that funds are placed in a bank located in the country (CY, EL, ES and IT).

The documentation requirements related to TCN family members – but often also EU family members - are generally in line with those defined in the Directive. Very often, however, such documents are to be certified and translated. In addition, issues with the recognition of marriages/registered partnerships contracted in a third-country were identified in several Member States (e.g. BE). In addition, de facto couple have difficulties with getting their relationship recognised in some Member States.

Good practices regarding documentation relief have been identified in some Member States such as Estonia and Spain as highlighted in Box 8 and 9 below.

Box 8 Practice Estonia: minimum requirements for supporting documentation

An EU citizen obtains the right of temporary residence upon registration of his/her place of residence in the population register of Estonia⁹⁷. For applying for the document (ID-card) which certifies the right of temporary residence, the citizen is to register with the Estonian Police and Border Guard Board.

In both cases, only minimum documentation is required. When the applicant applies for residence documents, the authorities only require proof of his/her identity (ID card or passport) and information to be filled in the application form. EU citizens only need to provide additional information about the purpose of their stay (employment, studies...) in cases where they are accompanied by third-country family members applying for a temporary right of residence⁹⁸.

Box 9 Practice Spain: few requirements for translated and certified documentation

In Spain, rather than systematically asking TCN applicants for certified and translated documents, the competent authority reviews the documentation provided. In the event the language of such documents can be understood by the competent authority (e.g. Portuguese, Italian, French and English), they are accepted as such.

In other cases, the competent authority may consult embassies of third-countries before requesting certified and translated documents.

Table 3.11 and Table 3.12 provide overviews of the document requirements for EU citizens and their family members in all Member States.

In addition to documentation requests stated in the law, YEA cases reported many cases of additional information requests in practice. Member States where there appear to be particular issues with systematic and substantial information requests are MT and CY (for all citizens) as illustrated also in Box 13.

Table 3.11 Type of additional documents requested from EU citizens

Member State	Illustrative examples of documents requirements which are not specifically mentioned in the Directive or may represent administrative burden
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⁹⁷ <https://www.politsei.ee/en/teenused/elamisoigused/el-kodaniku-tahtajaline-elamisoigus/>

⁹⁸ Specific documentation is also required if the applicant is below 15 years of age.

Member State	Illustrative examples of documents requirements which are not specifically mentioned in the Directive or may represent administrative burden
AT	<p>YEA cases: additional requirements for self-sufficient citizens, even when applying for permanent residence.</p> <p>The requirements for sufficient means are specific and quantified⁹⁹.</p> <p>Valid residence registration (the Meldezettel¹⁰⁰)</p> <p>Certified translations of all documents not originally issued in German are requested.¹⁰¹</p> <p>"Additional documents may be requested" without further specifying these.¹⁰²</p>
BE	<p>According to the website of the city of Brussels, number of additional documents are required for employees¹⁰³, such as 'secondment contract' (E101) or possible Limosa certificate.</p> <p>According to the website of the city of Brussels, birth certificates of family members (ascendant and descendant) have to be translated, legalised and with a marginal note (apostille), depending on the circumstances of the other person.¹⁰⁴</p> <p>YEA cases suggest that there are additional requirements with regard to self-sufficient citizens</p> <p>Judging by the review of YEA cases, for all categories of citizens, there are ad-hoc requirements for birth certificates.</p> <p>Judging by the survey results there are regular requirements for the proof of residence (rental contract etc.).</p>
BG	No additional requirements
CY	<p>According to the application form and YEA cases, additional documents are requested for employees, self-employed and self-sufficient persons, including:</p> <ul style="list-style-type: none"> ■ Letter from the company that would confirm the employment and the salary (the date on the letter must be recent) - for employees ■ Valid sales contract or rental agreement for the house + copy, duly certified and postal stamped from revenue officer and stamped also from certified officer or the Municipality <p>Certified birth certificates and marriage certificates (when applicable) as well as translation of documents</p> <ul style="list-style-type: none"> ■ In the event that the person is applying based on sufficient funds: copy and original bank statement and statement of credit cards. <p>YEA cases show ad-hoc requests for documents concerning permanent residence.</p> <p>Survey results suggest that a criminal record may be required in some cases – as well as a range of other documents not mentioned in the Directive (including proof of residence).</p>
CZ	<p>According to the Ministry of Interior's website¹⁰⁵:</p> <ul style="list-style-type: none"> ■ Additional documents may be needed for students ■ Proof of accommodation (with detailed and restrictive requirements for documents) may be requested for all categories ■ All supporting documents for the application shall not be older than 180 days except for the travel document, birth certificate, marriage certificate and the photograph of the foreign national if it corresponds to his/her actual appearance. ■ All components of the application or other documents submitted with the application not in the Czech or Slovak languages must be officially translated into the Czech language. ■ Requirements for certified copy and officially translated into Czech, when originals are not available.¹⁰⁶ ■ Survey results: it appears that a criminal record may be required in some cases.
DE	<p>Information from the Population Register on the applicant (to confirm residence in Germany (population register extract, tax assessments or similar can also be used)</p>

⁹⁹ http://www.bmi.gv.at/cms/BMI_Niederlassung/Unterhaltsbroschuere_01012011.pdf

¹⁰⁰ <https://www.help.gv.at/Portal.Node/hlpd/public/content/118/Seite.11802001.html>

¹⁰¹ <http://www.wien.gv.at/verwaltung/personenwesen/pdf/anmeldebescheinigung-en.pdf>

¹⁰² <http://www.wien.gv.at/verwaltung/personenwesen/pdf/anmeldebescheinigung-en.pdf>

¹⁰³ <http://www.brussels.be/artdet.cfm/7398/Documents>

¹⁰⁴ <http://www.brussels.be/artdet.cfm/7404>

¹⁰⁵ <http://www.mvcr.cz/mvcren/article/eu-citizens-and-their-family-members.aspx>

¹⁰⁶ <http://www.mvcr.cz/mvcren/article/information-leaflets-for-eu-citizens-and-their-family-members.aspx>

Member State	Illustrative examples of documents requirements which are not specifically mentioned in the Directive or may represent administrative burden
DK	Specific requirements for self-employed (judging by the application form)
EL	YEA cases suggest instances where detailed and restrictive means of proof of self-sufficiency have been asked. YEA cases: Greek authorities occasionally impose additional requirements on EU citizens to prove that they have sufficient resources, for instance requesting the applicants to have their funds deposited in a Greek bank account.
EE	No additional requirements
ES	YEA cases suggest that self-sufficient citizens have to provide proof of sufficient funds on a Spanish bank account.
FI	No additional requirements
FR	
HU	Detailed and restrictive proof of residence is requested for all categories of EU citizens (both for temporary and permanent residence), according to the Ministry. Requirements for certified documents to prove residence. ¹⁰⁷
IE	Only originals are accepted. There are requirements for some translated documents ¹⁰⁸
IT	Additional requirements are occasionally in place for employees, self-employed and self-sufficient citizens (according to YEA cases and survey results), including requests for: <ul style="list-style-type: none"> ■ both the employment contract and payslips (employee) ■ proof of address (lease contract or electricity bills) – all categories Translated documents are sometimes required. ¹⁰⁹ YEA cases suggest that part-time contracts are not accepted and that funds for self-sufficient persons need to be deposited in an Italian bank
LT	All documents must be certified, legalised or certified by an <i>apostille</i> , translated into Lithuanian and the translation must be certified ¹¹⁰ .
LU	Anecdotal evidence from YEA suggests that part-time contracts are sometimes not accepted by the competent authority Documents which are not in French, German or English must be officially translated. ¹¹¹
LV	No additional requirements
MT	According to the application forms, ¹¹² there are additional requirements for self-employed. According to survey results, there are additional requirements for pensioners to prove self-sufficiency. Survey results suggest that birth certificates and proof of residence are required. The application form states that “the Department reserves the right to request any other additional documentation to process the application” According to survey results, criminal records are requested. These results also suggests that additional documentation beyond what is stated in the application forms are standard/usual practice Requirements for translation,, if documents are not in English ¹¹³
NL	No additional requirements.

¹⁰⁷ Source interview with the Ministry of Interior

¹⁰⁸ <http://www.inis.gov.ie/en/INIS/Form%20EU1.pdf/Files/Form%20EU1.pdf>

¹⁰⁹ Survey results and YEA cases

¹¹⁰ <http://www.migracija.lt/index.php?-1207635922>

¹¹¹ <http://www.guichet.public.lu/entreprises/en/ressources-humaines/recrutement/ressortissant-UE/ressortissant-ue/index.html#panel-7!>

¹¹² <http://mhas.gov.mt/en/MHAS-Information/Services/Pages/Residence.aspx>.

¹¹³ http://mhas.gov.mt/en/MHAS-Information/Services/Documents/Residence/form%20a_A4.pdf

Member State	Illustrative examples of documents requirements which are not specifically mentioned in the Directive or may represent administrative burden
PL	According to the Office for Foreigners website, there are additional requests for employees (both written statement of the employer and attestation of work to be performed), self-employed (both extract from the National Court Register if entry in such a register is required under separate provisions and certificate of entry in the Register of Business Activity) and self-sufficient citizens (credit card statement and certification of possession of funds at a bank or other financial institution) ¹¹⁴
PT	No additional requirements
RO	No additional requirements
SE	The application form states that additional requirements are in place for self-employed, and self-sufficient citizens, as well as for applicants for permanent residence. ¹¹⁵
SI	No additional requirements
SK	Proof of residence (as specified in Art 122 of the Collection of Laws No. 404/2011): EU citizens have to provide proof of residence when applying for permanent residence. Only original documents are accepted as proof.
UK	Registration is facultative. According to the application form, additional documents are required for self-employed, pensioners, permanent residence applicants and EU family members. Additional information has to be provided in the application form by all applicants (they have to reply to a number of questions) The application form indicates that additional evidence or interviews may be required. It is also mentioned that criminal record checks will be carried out by competent authorities on all applicants and dependents. ¹¹⁶

Source: country fiches

Table 3.12 Type of additional documents requested for TCN family members

Member State	Illustrative examples of documents requirements which are not specifically mentioned in the Directive or may represent administrative burden
AT	<ul style="list-style-type: none"> - Valid residence registration in Vienna (the Meldezettel¹¹⁷) <p>YEA cases suggest that:</p> <ul style="list-style-type: none"> - Certified translations of all documents not originally issued in German are requested - Issues are encountered with regard to proving the existence of a de-facto relationship with an EU citizen - Additional requirements are in place for proving sufficient funds.
BE	<p>YEA cases show:</p> <ul style="list-style-type: none"> - Additional requirements for TCN family members, related to health checks and tax declaration numbers - Difficulties in getting a marriage or a partnership registered in another MS recognised in BE for the purposes of acquiring residence rights. - Proof of residence
BG	YEA cases suggest that sometimes TCN family members are requested to apply for a C or D type of visa to enter the Member State.
CY	<p>YEA cases suggest that additional documents are required for TCN family members, as part of applications both for residence cards and permanent residence cards.</p> <p>Requirements for translated and certified documents¹¹⁸</p> <p>Proof of residence</p>

¹¹⁴ <http://www.udsc.gov.pl/REGISTRATION,OF,STAY,1793.htm>

¹¹⁵ http://www.migrationsverket.se/download/18.56e4f4801246221d25680002506/blur_140011_en.pdf

¹¹⁶ <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/eea/eea111.pdf>

¹¹⁷ <https://www.help.gv.at/Portal.Node/hlpd/public/content/118/Seite.11802001.html>

¹¹⁸ [http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/2C19A537B03E7C0FC22578E9002D522E/\\$file/FORMMEU2.pdf](http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/2C19A537B03E7C0FC22578E9002D522E/$file/FORMMEU2.pdf)

Member State	Illustrative examples of documents requirements which are not specifically mentioned in the Directive or may represent administrative burden
CZ	According to the Ministry of Interior's website, detailed and restrictive requirements for proving accommodation are in place. Documents cannot be older than 180 days (except for the travel document and birth and marriage certificates).
DE	Information on requirements is not clear. Requests for certificated and translated documents YEA cases suggest that there are minor issues with additional documentation for TCN family members (for temporary and permanent residence). Information from the Population Register on the applicant (to confirm residence in Germany (population register extract, tax assessments or similar can also be used)
DK	Additional documentation may be requested (not systematically required – but collected as part of checks). This documentation may include: <ul style="list-style-type: none"> - Proof of income/sufficient funds of the principal citizen - Declaration of maintenance of dependent family members and students For documents issued from third countries an Apostille is required. ¹¹⁹
EE	No additional requirements
EL	Personal health documents requested from TCN family members ¹²⁰
ES	Proof of family ties by birth or marriage certificate, or by certificate of registration as partners in a public register, legalised and translated when necessary.
FI	No additional requirements.
FR	No additional requirements.
HU	YEA cases suggest that there are further requirements in place for certification of documents from TCNs and of marriage certificates.
IE	All documents have to be originals. Apostilled documents are required in some cases ¹²¹ ? Information about criminal records has to be inserted in the application form ¹²² Evidence of residence in the State has to be attached to the application form ¹²³
IT	YEA cases suggest that additional documents are requested from TCN family members. According to the Ministry of Interior, proof of residence is required for TCN dependant family members
LT	All documents must be certified, legalised or certified by an <i>apostille</i> , translated into Lithuanian and the translation must be certified ¹²⁴ .
LU	Documents which are not in French, German or English must be officially translated. ¹²⁵
LV	No additional requirements
MT	The application form states that “the Department reserves the right to request any other

¹¹⁹ http://www.nyidanmark.dk/en-us/coming_to_dk/eu_and_nordic_citizens/eu-eea_citizens/family_reunification_in_denmark/family_reunification_in_denmark_for_union_citizens_and_eea_nationals.htm

¹²⁰ According to the Ministry of Interior, a legislative change is expected in September 2013 that will i) provide clarification on the level of and the way to identify the sufficient resources of a family member and ii) abolish the requirement of health documents.

¹²¹ <http://www.inis.gov.ie/en/INIS/Form%20EU1.pdf/Files/Form%20EU1.pdf>

¹²² <http://www.inis.gov.ie/en/INIS/Form%20EU1.pdf/Files/Form%20EU1.pdf>

¹²³ <http://www.inis.gov.ie/en/INIS/Form%20EU1.pdf/Files/Form%20EU1.pdf>

¹²⁴ <http://www.migracija.lt/index.php?-1207635922>

¹²⁵ <http://www.guichet.public.lu/entreprises/en/ressources-humaines/recrutement/ressortissant-UE/membre-famille-ressortissant-UE/index.html#panel-7!>

Member State	Illustrative examples of documents requirements which are not specifically mentioned in the Directive or may represent administrative burden
	additional documentation to process the application" According to survey results, various documents not listed in the directive are requested Requirements for translation of documents, if they are not in English ¹²⁶
NL	YEA cases suggest that there are detailed and restrictive requirements regarding proof of marriage, as well as close scrutiny of documentation of TCN spouses.
PL	No additional requirements
PT	No additional requirements
RO	Civil status documents proving the family relationship (marriage certificate, birth certificate, etc.) – as well as documents certifying or proving the partnership that have been issued by foreign authorities – have to be certified or alternatively notarised with an Apostille ¹²⁷
SE	Additional documents are required for common law spouses, parents and other (financial) dependents, such as proof of having lived together in Sweden or abroad. Information should also be provided on the duration of co-habitation. ¹²⁸
SI	Proof that no criminal offence has been committed in the country of origin, translated into Slovene by the official court interpreter. ¹²⁹
SK	Proof of residence (as specified in Art 122 of the Collection of Laws No. 404/2011) is required for TCN family members when applying for a residence card.
UK	All documents to be submitted need to be originals (including passports) Additional information is requested in the application form. Criminal records are requested from the main EU citizen, as well as information about ‘unspent and spent’ criminal convictions, including traffic offences, drunk-driving offences and time served in prison. The application form notes that additional documentation may be requested. It is also mentioned that criminal record checks will be carried out by competent authorities on all applicants and dependents. ¹³⁰

Source: country fiches

Other documentation requirements related to reporting presence and inscription in the population register

Additionally, and as explained in Section 3.3.1, 16 Member States require applicants to report their presence or to register themselves in the population register (AT, CZ, DE, DK, EE, EL, ES, FI, IE, NL, LU, LV, PL, SE, SI and SK), .

In nine of these Member States, this also means that as part of this additional registration process, further documents are being requested. . For instance, in NL applicants are required to provide the authorities with a birth certificate, while SE requires a S1 form for students and inactive applicants, in order to register them in the population register.

Table 3.13 below provides an overview of the Member States and the documents requested (beyond ID) in the Member States providing for such additional registration, where relevant.

Table 3.13 Documents required for additional registration

Member State	Documents required
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¹²⁶ http://mhas.gov.mt/en/MHAS-Information/Services/Documents/Residence/form%20a_A4.pdf

¹²⁷ [http://ori.mai.gov.ro/api/media/userfiles/certificat%20casatorie\(1\).pdf](http://ori.mai.gov.ro/api/media/userfiles/certificat%20casatorie(1).pdf)

¹²⁸ http://www.migrationsverket.se/download/18.43648b4513b902d42693b3/blpur_174011_sv.pdf

¹²⁹ Source: interview with local Administrative Unit

¹³⁰ <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/eea/eea111.pdf>

Member State	Documents required
AT	Proof of residence
CZ	No documents required - only reporting presence
DE	The deadlines and documents required for the registration differ among the Länder. Judged by the survey results, proof of residence is required (lease contract, electricity bill or similar)
DK	<ul style="list-style-type: none"> ■ The residence document ■ Proof of place of residence ■ Marriage certificate, if married ■ Children's birth certificates, if children ■ The blue EU health insurance card (students, sufficient funds) <p>Applicants should have a valid address and stay in DK for at least a month.</p>
FI	<ul style="list-style-type: none"> ■ Registration form – delivered by the authority ■ Valid residence document ■ Where relevant marriage certificate and the birth certificates of any children ■ Official change of address notification - it is a requirement for registration. (All documents have to be notarised originals or official translations)
EE	No documents required
EL	No documents required
ES	Only for TCNs: documents to be provided application form and document stating the reasons giving the need to request a NIE (please include term).
IE	<p>Only TCN¹³¹ - information to submit: full name and gender, nationality, how and when it was acquired it and previous nationality (if any), date and place of birth, Profession or occupation, details of when, where and how the citizen has arrived in the State, the address in the State, the address where the citizen last lived outside the State, a photograph and a signature. If in government service, the service concerned, the nature and duration of the service, the rank and appointments held. The documents that shall be provided are:</p> <ul style="list-style-type: none"> ■ A passport or other document establishing nationality and identity. ■ Documentation supporting the residence permission. Additionally, the TCN may be asked for fingerprints and other supplementary documentation
LU	No documents for EU citizens. For TCN: certificate of family relations (birth certificate and marriage certificate – or similar)
LV	No document requirements ¹³²
NL	<ul style="list-style-type: none"> ■ A recent original marriage certificate (if applicable). ■ Proof of Occupancy which implies,: <ul style="list-style-type: none"> - Purchase of property: purchase deed or the mortgage deed or 3.the (provisional) sales contract, - rented commercial housing: .the rental contract or a permit to rent or buy social housing and (a copy of) the landlord's valid identity document and (a copy of) the landlord's proof of ownership. - rented social housing: the rental contract or 2.a permit to rent social housing - Sublets or lodging and in the event of cohabitation: written permission from the occupant or owner and (a copy of) the valid identity document of the occupant or owner and (a copy of) the tenancy contract of the occupant or (a copy of) the owner's proof of ownership

¹³¹ citizensinformation.ie/en/moving_country/moving_to_ireland/rights_of_residence_in_ireland/registration_of_non_eea_nationals_in_ireland.html

¹³² Proof can be requested only if the authorities have doubts.

Member State	Documents required
	<ul style="list-style-type: none"> ■ A recently-issued original birth certificate (all applicants) <p>Documents from certain countries must be legalised or provided with an apostille stamp</p>
PL	Proof of temporary registration
SE	<ul style="list-style-type: none"> ■ All: the residence card & registration certificate (if obtained) ■ TCN: marriage certificate or other document that confirms the relation to a family member who is an EEA citizen and has a right of residence in Sweden. ■ Birth certificates (children) ■ Proof of rights of residence (i.e. proof of employment, studies, self-employed or sufficient means - for at least one year – i.e. <ul style="list-style-type: none"> - Employees: Certificate of employment (Inc. terms of employment employer's corporate identity number) – signed by employer - Self-employed: proof of an enterprise –or if start up: possible proof F-tax certificate, a registration certificate for the company, a registration certificate for the company, invoices or VAT accounts, certificate stating the type of service you provide and how long you intend to provide the service - Students: matriculation letter or proof of registration, certificate of admission showing the time period of studies, European health insurance card and self-signed assurance that the person has sufficient funds for the full study period - Own funds: proof of own funds – e.g. bank statements or a certificate confirming pension. Comprehensive health insurance valid for residency in Sweden for a full year - the certificate must be valid for a year from the moving date to Sweden ■ <u>Family member</u> : proof of the family relation to EU citizen (marriage certificate or birth certificate) <p>As regards the health insurance (self-sufficient), YEA cases suggest that the S1 form is necessary. Private health insurance and the EHIC have not been considered sufficient.</p>
SI	No documents required
SK	No documents required

Source: country fiches

3.3.4 Q9 – How much time and money is needed to put together all supporting required/suggested documents?

The time, money and efforts needed to prepare applications differ quite significantly across countries and also depend on the category of the citizens (employee, self-sufficient etc.) applying and on whether they apply with (TCN) family members or not.

Across Member States, students and employees who are EU citizens rarely encounter issues with gathering documentation. While they may have to provide several types of documents for proving their professional or academic activity, such documentation is generally at hand.

Documentation requests for self-employed EU citizens differ quite significantly, as outlined in section 3.3.3. Many Member States require registration as self-employed prior to the application, which, depending on the country, may take more or less time. In addition, DK and SE require a number of specific documents proving that the business is effectively operating (e.g. in the case of DK this should include a budget covering the first year of operation drawn up by a registered public accountant or a state-authorised public accountant), which has time implications). Likewise, some Member States require extensive proof of self-sufficiency, which is likely to have time implications as well.

When considering the general requirements for **EU applicants**, there are mainly three types of requirements which appear to be cumbersome:

- Requirements of proof of residence, where applicants need to provide proof that they own or rent property certified by specific documents (CZ, HU and SK);
- Certification and/or translation of documents. This certification relates to documents which are relevant to the conditions listed in the Directive (e.g. certified bank statements);
- Requirements for other documentation which fall outside the scope of the Directive (this is observed notably in CY¹³³ and MT¹³⁴, but ad-hoc cases in other Member States were also identified)

As regards **TCN family members**, time to gather documentation relates essentially to certification and/or translation of documents (marriage certificates, birth certificates etc.).

Finally, documentation requirements related to the registration in the population register may prove burdensome¹³⁵.

Costs

Overall, when applying for residence documents, most EU citizens experience minor or no costs. Around 20% of those surveyed (mainly EU citizens) indicated that they incurred costs related to the preparation of the documents required for the residence application. In almost half of these cases, the costs amounted to €20 or below. 8% of the surveyed EU citizens incurred costs above €50.

The cost of preparing applications and documentation is in most cases related to the requirements for certification and/or translation of documents, which are mainly requested from citizens moving with family members, and in countries where there are specific requirements for translated and/or certified documents for EU citizens. Such costs may be significant, but also appear to vary quite substantially.

Judging by the survey results, other costs are relatively rare, but are generally related to documentation requests which are not provided for in the Directive, such as specific proof (or certified proof) that the applicant owns or rents property, or other documentation.

Finally, it may also be expected that in the Member States where citizens encounter extensive requirements to prove their self-employment, costs are also incurred. However, such costs are not known.

3.4 Theme 3 Application phase during which EU citizens and their family members lodge their applications

Theme 3 relates to an analysis of the application process itself. The ToR specifies that six questions are to be addressed under this theme. The replies to each of these questions are presented below.

3.4.1 Q 10 - How long are the legal deadlines for applying for residence documents?

According to Article 8(2) of Directive 2004/38, in cases where the Member States request registration, *“the deadline for registration may not be less than three months from the date of arrival”*. As outlined above, residence documents are mandatory for EU citizens in 22 countries, and for TCN family members in all Member States.

¹³³ Such documentation may, according to the survey results, include: birth certificate of the principal EU citizen, various proofs that the citizen effectively has given up residence in another country (e.g. proof that the house had been sold in another country)

¹³⁴ Such documentation may, according to the survey results, include: Criminal records, birth certificate of the principal EU citizen, bank statements – in addition to proof of pension.

¹³⁵ Burdensome requirements have been identified in the NL, where, as outlined above, there is a requirement for a birth certificate for the principal EU citizen. Also in the case of SE, there are specific requirements for health insurance (in the case of self-sufficient applicants) which create issues for EU citizens.

The deadlines for application for residence documents for both EU citizens and their TCN family members have been systematically reviewed for this report – covering both the relevant national transposing legislation and information provided on the main public information sources of Member States.

No Member State has established a deadline for application shorter than the three months foreseen by the Directive. The majority of Member States (BE, BG, CZ¹³⁶, DE¹³⁷, DK, EE, EL, ES, FI, FR, IT, LU, LT, MT, RO, SI, SE) have implemented the minimum deadline (three months or 90 days).

The remaining Member States which mention deadlines in their legislation (AT, CY, HU, NL, PL, PT and SK) have added from one day (PL and HU) to one month (AT, CY, NL, PT and SK) to the minimum three months.

The legislation in IE (for TCN family members) and LV does not specifically mention a deadline for application (in both cases it is specified that if the citizen intends to stay more than 3 months there is a requirement to register. However it is not specified when the registration is to be done). The UK transposing legislation does not mention any deadline either, as there is no requirement for registration.

An overview of the deadlines as defined in the transposing legislation is presented in Table 3.14.

Table 3.14 Legal deadlines to apply for residence documents

MS	Deadline for application for residence documents	Legal provision
AT	4 months from the date of arrival	Article 53 of the Settlement and Residence Act provides that EEA nationals making use of their right to free movement and their relatives shall, provided that they are staying longer than three months on the federal territory, notify hereof the authority concerned not later than upon expiry of the three-month period after the first month of this expiration.
BE	3 months from the date of arrival	A Circular published on 1 June 2008 ¹³⁸ provides that EU citizens and their third-country family members ¹³⁹ shall apply for residence documents with the municipality within three months after their arrival in Belgium. The Law of 15 December 1980 is in contrast not clear on the deadlines to register ¹⁴⁰ .
BG	3 months from the date of arrival	Art. 9(1) of the Law on the Entry, Residence and Departure of the Republic of Bulgaria of EU Citizens and the Members of their Family (LERD) provides that registration is to take place within 3 months from the date of arrival.
CY	4 months from the date of arrival	Article 10(1) of Law 7(I)/2007 on the Right of the of European Union citizens and their family members to move and reside freely in the Republic provides that citizens of the EU and their family members must register at the Population Office for their period of residence over 3 months in the Republic, within 4 months from the date of arrival in the Republic.

¹³⁶ For TCN

¹³⁷ For TCN

¹³⁸ See p. 3, <http://www.scribd.com/doc/27728031/Circulaire-Route-Belge-1er-Juin-2008>

¹³⁹ See p. 9, <http://www.scribd.com/doc/27728031/Circulaire-Route-Belge-1er-Juin-2008>

¹⁴⁰ The legislation states that if the citizen intends to stay more than 3 months in Belgium, there is a requirement to register (Art 50 Law of 15.12.1980 (on territorial access, stay, residence and removal of aliens)). However it does not specify when the registration is to be done.

MS	Deadline for application for residence documents	Legal provision
CZ	3 months from the date of arrival. EU citizens are not required to register.	Art. 87a (1) of the Collection of Laws No. 224/2011 on residence of foreign nationals in the Czech Republic only states that “a certificate of temporary residence is issued at the request of an EU citizen who intends to stay in the Czech Republic for more than 3 months.” Art 87b (1) provides that the TCN family must register within three months the date of entry into the territory
DE	After 3 months EU citizens are not required to register.	There is no specific reference in the legislation to the obligation for TCN family to register after three months, but this can be inferred through the wording of Article 5 (2) of The Free Movement Act. EU citizens are not required to register.
DK	Within 3 months from the date of arrival	EU Residence Order (Part 6 (21 and 24) establishes that registration is to take place within three months of entry if the residence is expected to last for longer than three months
EE	3 months from the date of arrival	The Citizen of the European Union Act- Art. 7.(2) provides that registration is to take place no later than three months after the date of entry into Estonia
EL	3 months from the date of arrival	Law 4071/2012, Article 42, par. 6(1), modifying Article 8(1) of P.D. 106/2007 provides that Union citizens who are going to reside in Greece for a period exceeding three months from the date of arrival are required, after the end of the quarter, to appear in person at the competent authority to meet?? with the aliens police authorities of their place of residence for registration.
ES	3 months from the date of arrival	Articles 7(1) and 7(5) of Royal Decree 240/2007 on entry, freedom of movement and residence in Spain of EU and EEA citizens as amended by Royal Decree 16/2012 provides that the application should be done within 3 months from the date of arrival
FI	3 months from the date of arrival	Section 159 of the Aliens Act provides that EU citizens residing in Finland for more than three months must register their residence. The application for registering must be submitted to the District Police of their place of residence within three months following the date of entry into the country
FR	3 months from the date of arrival	Article L121-2 of the CESEDA provides that applications shall be done after three months of arrival
HU	93 days from the date of arrival	Article 21(1) of Act I of 2007 on the Entry and Residence of Persons with the Right of Free Movement and Residence provides that EU citizens and their family members are obliged to register their residence and personal details at the latest by the 93rd day after entry into the country.
IE	For TCN: <i>at least</i> 3 months after entry Not applicable for EU citizens.	(Art. 7 (1) a) of European Communities (Free Movement of Workers) (No. 2) Regulations 2006 provides that a family member of a Union citizen who is not a national of a Member State and who has been resident in the State for not less than 3 months shall apply to the Minister for a residence card.
IT	3 months from the date of arrival	Legislative Decree 2007 no. 30, Art. 9.2 provides that registration is required after three months from the entry in the country.
LT	3 months from the date of arrival	There is no specific reference in the legislation to the obligation for EU citizens and their (TCN) family to register after three months on the Lithuanian territory, but this can be inferred through the wording of Articles 97 and 99 of the Aliens Act.
LU	3 months from the date of arrival	Law 29.8.2008 on Free Movement of persons and Immigration, Art. 8 (1) provides that EU citizens wishing to stay in Luxembourg for over

MS	Deadline for application for residence documents	Legal provision
		three months must obtain a registration certificate from the local government administration of their place of residence within three months of arrival in Luxembourg.
LV	Not specifically mentioned	Article 25 of Cabinet Regulation 675 provides that an EU citizen shall register in Latvia when residing for longer than three months, as of the first day of entry, but does not specify a time period within which the citizen shall apply.
MT	3 months from the date of arrival	Subsidiary Legislation 460.17: Free movement of European Union nationals and their family members order Art. 7.2 provides that upon the expiry of three months from the date of their arrival in Malta, all citizens of the Union and their family shall apply for a registration documents to the Director for Citizenship and Expatriate Affairs
NL	4 months from the date of arrival (consideration is currently given to abolishing registration of EU citizens)	Article 8(12) of the Aliens Decree provides that registration shall be done within one month after the expiration of a three months period.
PL	3 months and one day from the date of arrival	Art. 21(2) of the Act of July 14, 2006 on the entry into, residence in and exit from the Republic of Poland of nationals of European Union Member States and members of their family provides that EU citizens and their family members shall register no later than the day following the expiry of three months from the date of entry into the territory of the Polish Republic
PT	120 days (4 months) from the date of arrival	Article 14 - Law 37/2006 which regulates the exercise of the right of citizens of the European Union and their family members to move and reside freely within Portuguese territory, and transposes into internal Portuguese law the provisions of Directive 2004/38/EC, provides that Union citizens who stay on the Portuguese territory for more than three months shall register their presence to formalise their right of residence within 30 days of three months elapsing since their entry into Portuguese territory ¹⁴¹
RO	3 months from the date of arrival	Article 9 of the Government Emergency Ordinance no. 102/2005 on free movement of citizens of the Member States of the European Union and the European Economic Area on the Romanian territory provides that EU / EEA citizens and their family members who intend to reside in Romania for more than 90 days after entry into the country, are obliged by the end of this period to go to the local bodies of the Romanian Immigration Office for registration and issuance of residence registration documents
SE	3 months from the date of arrival (consideration is currently given to abolishing registration of EU citizens)	Chapter 3a, Section 10 of the Aliens Act provides that an EU/EEA national who has a right of residence and intends to stay in Sweden for a period longer than three months must register with the Swedish Migration Board. A family member of an EU/EEA national who is not an EU/EEA national himself or herself and who has a right of residence must apply to the Swedish Migration Board for a residence card within three months of arriving in Sweden
SI	3 months from the date of arrival	Article 199 of the New Aliens Act provides that after 3 months the EU citizen and the family members need to apply for a registration certificate at the administrative unit where he/she resides. ¹⁴²
SK	3 months and 30 days	Art. 66(1) of the Collection of Laws No. 404/2011 on residence of

¹⁴¹ However, a representative of the competent authority noted that after 90 days it is no longer possible to register.

¹⁴² Pre-registration at the local police station is mandatory within the first three days after entering the Republic of Slovenia (Article 10 of the Residence Registration Act)

MS	Deadline for application for residence documents	Legal provision
	from the date of arrival	foreign nationals in Slovakia provides that registration must be done within 30 days after three months residing in Slovakia.
UK	Not mentioned (facultative registration for both EU citizens and their family members)	Deadlines cannot be found in the transposing legislation. The application forms for both TCN and EU citizens indicate that the EU citizen and his (TCN) family member may apply at any time during their stay in the UK.

3.4.2 Q 11 - How high are the application fees?

Application fees vary across Member States. Seven countries do not apply any application fees for any residence documents (DK, EL, FR,¹⁴³ IE, LU, MT and SE). The bulk of the remaining Member States applies fees similar or below those of national ID cards. Where application fees are provided for, they are below 60 Euro in nearly all countries, and for most countries and categories the fee charged is significantly lower.

For EU citizens the fees charged for registration certificates are, with the exception of UK, NL and FI, below 25 Euro. The fees applied are in line with or below the fees charged for national ID cards – the only exception being the UK, which apply a fee for EU citizens but does not issue national ID card.

When there are differences between the fees that apply for EU citizens and those applying for their TCN family members, fees are higher for the TCN family member. In six countries there is a significant difference, with the fees for the TCN family member residence card being more than double of those of the EU citizens' registration certificates (AT, EE, FI, LT, PL and RO). Three Member States apply fees above 50 Euro for residence cards (AT, FI and UK). Application fees in Finland are 114 Euro - by far the most expensive fee applied for residence cards.

As for permanent residence documents these are mainly in line with those applied for registration certificate or those applied for the residence cards (when different). However, three Member States (CY and NL) apply significantly higher fees for permanent residence documents. In the case of Cyprus the fees are four times the fees of registration certificates/cards. In the case of the Netherlands a fee of 150 Euro is applied for permanent residence cards – more than 3 times the fee of a residence card. Finally, the Czech Republic applies a fee for the permanent residence card, but not for any other residence documents.

Finally, the UK applies a fee of 63.80 Euro per applicant including for EU citizens, whereas there are no national ID cards and consequently no comparable fees.

When comparing the fees applied these correspond to 0.1% to 4% of the average gross monthly salary of a given country. Compared to the average gross salary, fees are highest in Cyprus (for permanent residence cards), FI and EE (residence cards and permanent residence cards) LT (residence cards) and NL (permanent residence card).

Table 3.15 provides an overview of the fees for residence cards. Fees higher than those of national ID cards are highlighted in grey.

¹⁴³ Except in case of renewing the card and not presenting the previous card

Table 3.15 Fees for residence cards

	Registration certificate	Residence card	Permanent residence cert	Perm. Resid card	Costs of other cards/EU	Cost national cards	Monthly average wage	Comment
AT	15.0 €	56.0 €	15.0 €	56.0 €	56.0 €	61.5 €	2,474 €	Fees for residence documents (card) for EU citizens: 56 €
BE	17.5 €	17.5 €	17.5 €	17.5 €		Up to 25 €	3,211 €	Fees presented are those requested in the municipality of Brussels. Different taxes apply depending on the municipality and the cost of the ID card is different depending on the municipalities (small differences). There are no fees for applicants under 12 years old in Brussels.
BG	3.0 €	9.0 €	9.0 €	9.0 €		9.0 €	412 €	Cost of express service for residence documents (within 8 working hours): 18 €
CY	20.0 €	20.0 €	80.0 €	80.0 €		20 €	2,233 €	According to Arts. 10, 17 and 18 of the law (as amended by Law 8/2013 in February 2013) the Application Form and Guidance text on the application reflect the new fee levels (20 € and 80 €). However, other information provided online (application forms available on the CRMD website) has not been updated.
CZ	No fees	No fees	No fees	19,2 €		Not known	938 €	A new residence permit/card in replacement of a damaged, destroyed, lost or stolen permit/card costs CZK 100 (3,8 €)
DE	No fees	28.8 €	8.0 €	28.8 €		28.8 €	3,695 €	Fees vary depending on whether the applicant is above or below 24 - fees mentioned here are those for applicants over 24)
DK	No fees	No fees	No fees	No fees		No cards	5,166 €	
EE	No fees ¹⁴⁴	30.67 €	24,28 €	30.67 €		24.28 €	833 €	
EL	No fees	No fees	No fees	No fees		Not known	1,220 €	
ES	10.40 €	10.40 €	10.40 €	10.40 €		10.40 €	1,911 €	
FI	50.00 €	114.00 €	25.00 €	114.00 €		53.00 €	3,109 €	The renewal of the residence card costs 89€
FR	No fees	No fees	No fees	No fees		No fees	2,881 €	In case of renewal of residence documents or the national ID card, the previous card must be presented, or the applicant is charged 25€

¹⁴⁴ Judging by the information relative to fees it may be deducted that there are no fees for EU citizens for their registration certificate

	Registration certificate	Residence card	Permanent residence cert	Perm. Resid card	Costs of other cards/EU	Cost national cards	Monthly average wage	Comment
HU	3.33 €	5.00 €		5.00 €		5.00 €	765 €	
IE	NA	No fees	No fees	No fees		No cards	2,933 €	
IT	16.00 €	16.00 €	16.00 €	16.00 €		25.42 € if electronic. Paper 5.42 €	2,678 €	The fee in Italy is a stamp.
LT	8.60 €	25.80 €	Not known	Not known		8.50 €	647 €	Additional costs may be incurred to the issuance/printing of cards.
LU	No fees	No fees	No fees	No fees		30.00 €	4,419 €	
LV	Not clear – see comment	Not clear – see comment	Not clear – see comment	Not clear – see comment		Not clear	743 €	The information about the fees is not clear ¹⁴⁵ . The processing of documents for family members of EU citizens who already reside permanently in the country within 90 days appears to cost 70LVL (99.80 Euro). Higher fees are charged for quicker processing time. There is no information about the processing of documents for other categories and it is not clear whether the mentioned figure shall be understood as the application fee for residence cards. Likewise it is not clear if there are fees for EU citizens.
MT	No fees	No fees	No fees	No fees		8 €	1,260 €	
NL	42.00 €	42.00 €	42.00 €	150.00 €	72.60 €	41.10 €	2,995 €	Single prioritised registration – both IND and GBA. Combined procedure (municipal registration with immigration) : EU citizen 72.60€, EU family member: 36.30€
PL	0.20 €	7.1 €	Not known	Not known		No fees	827 €	
PT	15.00 €	15.00 €	15.00 €	15.00 €		15.00 €	1,140 €	
RO	0.46 €	2.50 €	0.46 €	2.50 €		Not known	510 €	Cost for fiscal stamp 2 RON (0.46 €), applicable for all categories
SE	No fees	No fees	No fees	No fees	45.7 €	45.7 € (facultative)	3,079 €	
SI	9.51 €	9.51 €	9.51 €	9.51 €		9.51€	1,568 €	

¹⁴⁵ This lack of clarity may be sorted out once the new website is completed

	Registration certificate	Residence card	Permanent residence cert	Perm. Resid card	Costs of other cards/EU	Cost national cards	Monthly average wage	Comment
SK	0 € (if paper issued), 4.5 € if a card is issued	4.50 €	4.50 €	4.50 €		4.5 Euro	799 €	
UK	63.80 €	63.80 €	63.80 €	63.80 €		no cards	2,395 €	Fees as from 2013

Source: Country fiches (all country fiches provide links to the sources of the fees)

3.4.3 Q 12 - How easy is it to lodge an application (e.g. where one can only apply in the capital, this may represent an obstacle for many applicants ...)?

Places for lodging

Lodging an application is formally a relatively easy exercise. In most countries – besides Ireland and the UK – applications are lodged physically, locally, and typically within a relatively reasonable distance from the home of the applicant (<50 KM and mostly closer).

All Member States, but Ireland, offer full or partial opportunities for physical lodging. In 20 Member States physical lodging is mandatory (AT, BE, BG, CZ, CY, DE, EE, EL, ES, FR, HU, LT, LU, LV, NL, PL, PT, RO, SI and SK). In Malta and the UK the physical lodging of applications can only be done at central level. In all other Member States, lodging takes place at regional or local level.

Besides physical lodging, seven countries offer full or partial opportunities for lodging applications via post (DK, SE, IE, IT, MT, SE, and the UK). In the case of Malta, application by post is only possible for EU citizens. In Italy, all local police offices (competent to receive applications from TCN family members) accept postal lodging but only certain municipalities (responsible for applications of EU citizens) accept applications by post. In IE and UK, applicants are formally (or practically) obliged to send applications by post. IE and the UK, furthermore, require that applicants send their original documents with their application, including ID and travel documents, as the competent authority cannot be visited for the purpose of showing the ID documents. In other Member States, such documents are not required when lodging by post. Instead, visits are needed when picking up the residence documents, in order to show the original ID documents.

Few Member States (DK, FI, SE and partially EE) offer opportunities for lodging online. In the case of FI and SE online lodging takes place via a secured system, whereas in the case of DK email lodging is possible. The EE system allows applicants to register their residence online or by email but all subsequent applications for registration certificates must be lodged in person.

Member States rarely offer several options to lodge an application, but such a practice has been identified in the case of Denmark which provides a range of lodging opportunities with the aim to respond to the needs of citizens, institutions and businesses. These options are described in Box 10 below.

Box 10 Practice Denmark: Choice of lodging options

Denmark offers a range of choices for lodging. Lodging an application can be done by email, face to face and by post. If done in person, this can take place at the local Statsforvalting (10 offices), at embassies abroad (prior to the move) or at the International Citizens Centres located in the four main cities in Denmark.

In addition to these main options for lodging, the competent authorities also offer other possibilities, including the option for the competent authority to visit higher educational institutions and businesses having a high number of incoming applicants. When such visits are organised, it is possible for the applicants to apply directly with the competent authority.

The authorities report that the choice of lodging, including email lodging, reflects needs expressed by citizens and businesses but also the political objective to facilitate foreign recruitment. For example email lodging reflects in particular the needs of employers and recruitment companies who may assist with the application process.

Overall, the data available on the relative merits of online applications versus in person applications is limited. Practice in Sweden however, suggests that the quality of the applications and their processing improves when applications are made online for relatively “simple groups” i.e. students and employees (applications reported to be more complete).

Table 3.16 presents an overview of lodging possibilities in the different Member States:

Table 3.16 Lodging options

Options available	Member State
Email/online, by post, physical and other options	DK (email)
Email/Online, post and physical	SE (online: only for some categories: employees and students, and their (TCN) family members) EE (by email for EU citizens ¹⁴⁶)
Online and physical	FI (online)
By Post and physical	IT - TCN IT – EU some municipalities allow post applications other only physical. LU (only for permanent residence) MT – EU only UK - EU only
Only physical at local/regional level	AT, BE, BG, CZ,CY, DE, EE (TCN and EU ¹⁴⁷), EL , ES, FR, HU, LT, LU, LV, ,NL, PL, PT, RO SI and SK
Only physical and in one single location	MT – TCN
Only by post	IE UK – TCN

Source: country fiches

Lodging and practice

While competent authorities are in most cases conveniently located for visits, in practice the time needed for lodging applications varies very significantly. In a number of countries, lodging an application is time consuming. It can be hampered by three main factors:

- Excessive waiting times and lack of opportunities to arrange a meeting;
- Requests to come back physically to complete the application (due to requirements for additional information or proof);
- To a smaller extent also: lack of language abilities of staff treating applications (reported in HU, IT, RO and SK¹⁴⁸).

In practice, the time required to lodge an application may range from a single visit with little waiting time to have the application processed, to multiple visits with substantial waiting times for each visit, taking up many hours, and in a few cases even days.

Judging by the survey results, applicants are often subject to substantial waiting times once having arrived onsite to submit their application. The waiting time can represent hours (BE¹⁴⁹, CY, EL, IT and MT).

In contrast, waiting times are generally short (<30 minutes) for countries such as AT, DK, EE, LU, NL, PL and SE.¹⁵⁰ Waiting time appears to vary in countries such as CZ, ES and SK – but is generally less than one hour. With regards to Spain however, long waiting times are noted in large cities.

¹⁴⁶ For registration with the population register (which provides “rights of residence”) – but the registration with the police for the registration certificate in person only

¹⁴⁷ See footnote above

¹⁴⁸ Reported in interviews and/or survey results

¹⁴⁹ The majority of long waiting times reported coming from the municipality of Brussels

¹⁵⁰ Note that data is not systematically available to inform this issue

For BG, DE, FI, FR, HU, LT, LV, PT, RO and SI, there are no data. As regards Finland however, the practice of online lodging should be noted as mentioned above. Good practices in order to limit waiting times were identified in Estonia, as explained in Box 10 below.

Box 11 Practice Estonia : limiting waiting times

Queues in the Service Offices are monitored to identify and avoid excessive procedural delays. Also, it is possible to book an appointment with the Estonian Police and Border Guard Board (PBGD) to reduce the waiting time and avoid queues.

Lodging time is monitored: the application for the registration certificate takes on average 15 minutes and the application for the residence card of EU citizen's family members takes on average 17 minutes.

Besides having to wait, many applicants experience that after having presented their application, and having it checked, they are told that additional documents are required, which means that they have to come back. In several countries, it is estimated that three visits or more are needed to successfully lodge an application; these are BE (especially the region of Brussels), CY (especially for TCNs), ES, IT, LU, MT and NL (due to visits in different administrations). Finally, in cases where application forms are not available online or where they are difficult to find, time is also spent on picking these up.

Multiple visits combined with long waiting times constitute a practical administrative burden as illustrated by examples from Belgium in the box below.

Box 12 Time consuming application processes

Citizens' experience in Belgium

Judging by the survey results, successfully submitting an application for applications for residence documents is time consuming in Belgium. Those surveyed, mostly moving to Brussels, had to visit the municipality 2.6 times on average to get the application processed. More than one in three (36%) indicated that they had to visit the municipality four times or more, typically due to unclear instructions on what documents are needed to support their application.

Furthermore, once at the municipality, citizens need to wait. Half of those surveyed indicate they had to wait more than an hour. Some could subsequently make appointments, but one in three (35%) indicated that this was not a possibility, so that they have to wait at every visit. Even when appointments can be made, many surveyed applicants still had to face long waiting times.

Long waiting times, unclear requirements and unnecessary bureaucracy are the main reasons why 53% of the surveyed EU citizens moving to Belgium find it complicated to register. The following examples, taken from the survey, illustrate the practical issues in Belgium:

- "The information could have been provided during the very first meeting (instead of going 2-3 times). The procedure in general took a long time" (*German employee, applied for residence documents three months ago*)
- "I lost two working days because of all the waiting at the municipality" (*Greek employee, applied for residence documents in 2011*)
- "The reason why I found it complicated was because of the long waiting times and the unclear instructions on what documents are needed when" (*German employee, applied for residence documents in 2011*)
- "Complicated is maybe the wrong wording: cumbersome and lengthy is better. Multiple visits during working hours, long waiting times and needless bureaucracy" (*Dutch employee, applied for residence documents in 2012*)
- "Information was unclear and conflicting. Appointments were not kept - I scheduled a day off work for the appointment they made for me, yet when I turned up the only person who could process my application was off sick, and they had failed to contact me to reschedule my

appointment. The first office where I made an appointment made me wait for more than a month for a first appointment, yet when I came for this appointment, they found out I was at the wrong office and I had to wait again for a new appointment, this time at the right office" (*Dutch employee, applied for residence documents 6 month ago*)

- "It was a very long process and I had to queue for more than 2 hours every time I went there (even when I had an appointment). Some of the people working there are not very polite and some do not speak English which makes the process even more complicated, because they do not try to help" (*Spanish employee, applied for residence documents 6 months ago*)

Source: Citizens consulted via the survey

3.4.4 Q 13 - To which extent do EU citizens and their family members lodging their applications enjoy certain advantages in comparison with non-EU migrants?

EU citizens and their family members enjoy, compared to migrants arriving from non EU countries, a certain number of advantages. Four main categories of "advantages" can be identified in relation to lodging applications for residence documents:

- Facultative registration procedures in some countries (reduced administrative burden);
- A distinct competent authority;
- Distinct offices or desks to lodge applications;
- Lower fees associated with applications.

In addition to these advantages, which are related specifically to the application lodging, EU citizens and their family members obviously also enjoy a range of other advantages.¹⁵¹

The results presented below are based on interviews with stakeholders and desk research. Due to the sometimes patchy information provided by the relevant national Ministries, it is possible and likely that not all the advantages offered to EU citizens and their family members have been identified.

Facultative application

In CZ, DE, IE, and the UK, EU citizens do not have to register. A similar regime will soon be implemented in SE and is likely to be implemented in NL.

The competent authority

In some countries (EL, ES, IT and PT), the authority responsible for applications of EU citizens and their EU family members (and consequently the location where the application needs to be lodged) is different from the authority responsible for applications lodged by TCNs. In most cases where such difference applies, the authority responsible for EU citizens usually deals with national administrative affairs (as opposed to migrant issues).

For example In Italy, EU citizens lodge their applications with a distinct authority, while their third-country family members do so with the Police (as other non-EU migrants). A similar situation is observed in Spain, where the Police (dependent of the Ministry of Interior) are competent for applications by EU citizens and the Provincial Offices for Foreigners (dependent on the Ministry of Employment) handle applications by TCN.

¹⁵¹ EU citizens and their family members benefit from the right of free movement granted under EU law and as such, are subject to different legislative provisions than those applied to migrants from non-EU countries. EU citizens cannot be required to have an entry or exit visa, Member States shall grant all facilities to their family members to obtain an entry visa and they are exempted from the requirement to obtain a visa when they have already obtained a residence card, residence documents are valid for a longer period, etc., National requirements may be stricter for family reunification in some Member States (e.g. DK, NL...).

Places to lodge the application

EU citizens and their family members may be offered a separate application point from those for TCNs (e.g. a “European desk”) or they may have to wait with TCN applicants, or together with locals.

In several Member States¹⁵² a separate desk or office is in charge of receiving and processing applications from EU citizens and their family members. This allows for more specialisation of the staff in charge of managing the applications. For instance, in Slovakia, special departments are set up in the Aliens Police offices to deal solely with the applications of Union citizens and their family members.

In three Member States (CY, CZ, PT), a separate and specialised desk is only available in the main cities.

In Cyprus, the competent authority is the Civil Registry and Migration Department within the Ministry of Interior. It is a centralised national authority and there are offices in five locations in the country. EU citizens and their family members are privileged – in terms of having their own counter – but only in the main office (the “European desk” at the Head office in Nicosia).

However, a number of examples show that EU citizens have no separate point for lodging their application. Typically, this lack of distinction occurs when applications of EU citizens and (TCN) family members on the one hand, and other TCNs on the other hand, take place at local level (municipality or the police). This lack of separate points is often explained by few applications overall, a lack of resources or efficiency gains (e.g. BE¹⁵³).

Fees

Across all Member States, the application fees charged to EU nationals and their family members are significantly lower than those applied to TCNs. As outlined under section 3.4.2, fees are mostly in line with the costs of ID documents for nationals – and in nearly all cases lower than 100 Euro.

Seven Member States (DK, EL, FR, IE, LU, MT and SE) do not charge any fees for the registration of EU citizens and TCN family members, nor for issuing the residence documents.

In contrast, application fees for TCNs who do not fall under the scope of Directive 2004/38 are generally quite significant.

3.4.5 Q 14 - To what extent can EU citizens and their family members choose, in practice, the means of proof that the conditions of residence have been met?

Beyond the requirements for specific documentation, EU citizens and their family members may or may not have the opportunity to choose the means of proof that the conditions of their residence are met. Assessing the extent to which their choice of means of proof is possible is difficult as two situations often occur:

- Information provided (for example in the application form) could suggest that choosing the means of proof is not possible, but in practice competent authorities accept different means of proof.
- Information provided (for example in the application form) suggests that a choice is possible, but in practice competent authorities may require specific means of proof.

For these reasons, comprehensive conclusions cannot be drawn with regard to the choice of proof. However, the following broad observations may be made.

¹⁵² E.g. AT, BG, DK, FI, HU, IT, LU and SK

¹⁵³ For example in the case of BE competent authorities indicate that allocating resources specifically to an EU desk would take up resources from other front desk services. Not having an EU desk allow better use of existing resources.

Where different means of proof are allowed, this often relates to identity documents (concerning EU nationals¹⁵⁴ and not TCN family members, who are generally required to provide their passport), documents proving the applicant's employment or studies as well as, in some cases, proof of sufficient resources or self-employment.

In practice however, some Member States tend – at least for some citizen groups - to ask for specific proof or for several types of proof for the same type of circumstance. This for example can regard a requirement to provide both the employment contract and pay slips, or pay slips and a letter from the employer. Likewise, students are often required to provide a letter from the educational institution, and self-employed applicants are often required specific proof of registration as self-employed.

Requests for specific documentation may in many cases be explained by the fact that only these documents are considered valid proof (for example bank statements if the citizen does not receive a pension or marriage certificate as proof of family ties).

Examples of Member States where applicants have no choice as to means of proof are listed below. TCN family members have not been considered, as the choice of proof of family relations and ID is generally limited, for the reasons outlined above.

- BE (both employment contract and pay slips required)¹⁵⁵
- NL (employer's declaration to be provided)¹⁵⁶
- SE (both signed document from the employer and payslips for a three-months period)¹⁵⁷
- SK (employment contracts which need to be notarised)¹⁵⁸
- UK: the EHIC (European Health Insurance Card) is only considered valid when the stay in the UK is temporary. Therefore if the EHIC is provided as proof of comprehensive sickness insurance, a covering letter stating whether it is the intention to stay in the UK temporarily or permanently as well as the reasons for this is also required. This must be signed and dated.¹⁵⁹
- CZ¹⁶⁰, HU¹⁶¹ and SK¹⁶²: proof of residence in the Member State where the registration takes place.

Furthermore, judging by the application forms or guidance documents to submit the forms, several countries require proof of registration as self-employed (in a specific institution) or

¹⁵⁴ Where the EU citizen may choose to submit either a passport or an ID card

¹⁵⁵ Judging by the results from the survey. In theory choice of means of proof is possible, according to the authorities.

¹⁵⁶ Provided in the application form: <http://www.ind.nl/Klant-informatie/Documents/6021.pdf>

¹⁵⁷ http://www.migrationsverket.se/download/18.56e4f4801246221d25680002500/blees_anstallningsintyg_227021_sv.pdf (in Swedish only)

¹⁵⁸ https://www.slovensko.sk/sk/agendy/agenda/_pobyt-obcanov-z-eu-a-ich-rodin1

¹⁵⁹ <http://www.ukba.homeoffice.gov.uk/eucitizens/documents-eea-nationals/applying/>

¹⁶⁰ <http://www.mvcr.cz/mvcren/article/application-requirements-proof-of-accommodation.aspx>

¹⁶¹ According to interviews with stakeholders and survey results

¹⁶² https://www.slovensko.sk/sk/agendy/agenda/_pobyt-obcanov-z-eu-a-ich-rodin1

alternatively other specific documents (CY¹⁶³, DK¹⁶⁴, EL¹⁶⁵, HU, LU¹⁶⁶, MT¹⁶⁷, PL, RO¹⁶⁸, SE¹⁶⁹, UK¹⁷⁰)

Finally, there are instances where additional specific documentation may systematically be required – although this is not specified in the information available on the application process - as illustrated by the Cyprus example in box 13.

Box 13 Applying for residence documents: additional specific documentation requests.

Citizens' experience in Cyprus

Survey results suggest that, in Cyprus, once the citizen applies, a further list of specific additional documents required is provided to the applicant, as illustrated by the examples below.

"I applied for residence documents in Cyprus one year and 4 months ago, for myself, my EU spouse and my children. It was quite a frustrating experience.

Once I had prepared the application form and the documentation, I went to the competent authorities. I had to queue at the Immigration Office for three hours to be given a printed list of things required. It was a lengthy list including proof my children had left their UK school, proof I sold my house in the UK, and several other documentation requirements which appear unnecessary. In addition I had to provide documents such as the marriage certificate, house contract and bank statements. Documents had to be translated and recently issued.

It took me more than 6 months to get the residence documents for my family. To get my application processed I had to visit the Immigration Office 4 or 5 times. While they give you an appointment, you nevertheless have to wait for a long time at each visit. Staffs at the counter were arrogant, just walking away or refusing to explain things. It was quite shocking.

It was not clear what type of documents I was to receive. In the end I got a paper attesting residence."

Retired UK citizen, moving with his UK spouse and their children to Cyprus, applied in 2012 (Source: citizen survey)

3.4.6 Q 15 - Which administrative financial sanctions are imposed for failure to apply within the deadline (please compare the sanctions with an appropriate comparator, such as average wage)?

National legislation transposing the Directive mostly foresees that sanctions may apply in the event that the EU citizens and their family members do not apply within the given deadlines.

In a majority of these cases the legislation transposing the Directive provides that sanctions may apply, but the type of sanction is not specified (CZ, EL, FI, FR, IT, LU, NL, PL, RO and SE). The transposing legislation of nine Member States makes reference to sanctions,

¹⁶³ Certificate registration to the Social Security Services as self-employed,
[http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/B36E2DED1B510461C22578E9002D47FB/\\$file/FORMMEU1.pdf](http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/B36E2DED1B510461C22578E9002D47FB/$file/FORMMEU1.pdf)

¹⁶⁴ http://www.nyidanmark.dk/resources.ashx/Resources/Blanketter/Ansoegningsskemaer/2008/OD1_ansoegning_eu_opholdsdokument_statsforvaltningen.pdf

¹⁶⁵ http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=3715&Itemid=646&lang=

¹⁶⁶ <http://www.quichet.public.lu/entreprises/en/ressources-humaines/recrutement/ressortissant-UE/ressortissant-ue/index.html#panel-11!>

¹⁶⁷ http://mhas.gov.mt/en/MHAS-Information/Services/Documents/Residence/form%20a_A4.pdf

¹⁶⁸ Interview with Ministry of Interior – General Inspectorate for Immigration

¹⁶⁹ See application form

¹⁷⁰ http://www.migrationsverket.se/download/18.56e4f4801246221d25680002506/blur_140011_en.pdf

¹⁷⁰ <http://www.ukba.homeoffice.gov.uk/eucitizens/documents-eea-nationals/applying/>

specifies the nature of the sanction and, in case of financial penalties, lists the amounts of the fines (AT, BE, CY, DE, EL, ES, IE, PT and SK). The legislation of nine Member States does not foresee any sanctions (BG, DK, EE, HU, LT, LV, MT, SI and UK).

Where sanctions are defined, they are generally financial. In most countries the financial sanctions, as defined in national legislation, are in the range of 50 up to 300 Euro (mostly defined as up to 200 or 300 Euro). The main exception is Ireland, which lays down that failure to “comply with any requirement of these Regulations or under these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5,000 or to a term of imprisonment not exceeding 12 months, or both”. In this case however, it is not specified that the fine relates to failure to register.

In Member States where sanctions are mentioned in the law but not defined, these are generally reported not to be executed in practice. This is due to the difficulties to monitor incoming citizens – and EU citizens in particular. This has been mentioned by a number of countries such as CY, EL, IT, LU, NL, PL and SE. Also, in cases where financial sanctions are applied authorities reported that they are smaller than what is foreseen by law.

Considering that sanctions appear to be used by very few countries, it has not been considered appropriate to compare them with the average wage¹⁷¹.

The table below provides an overview of the sanctions which have been identified.

Table 3.17 Sanctions according to the legislation

MS	Nature of sanctions
AT	<ul style="list-style-type: none"> ■ According to the relevant legislation: Any person who fails to apply on time for a confirmation of registration shall be found guilty of an administrative infraction and subject to a fine of not more than 200 Euros. The possibility of being fined for delay is mentioned in several documents online¹⁷² ■ Authorities interviewed indicate that in practice, the fine (if applied) is 50 Euro.
BE	<ul style="list-style-type: none"> ■ According to the transposing legislation: Fines up to 200 Euro for failure to register within 6 months
BG	<ul style="list-style-type: none"> ■ There are no sanctions specified in the transposing legislation for not applying within the delays
CY	<ul style="list-style-type: none"> ■ According to the transposing legislation: Failure to comply with the registration requirement shall render the person concerned liable to a financial penalty up to €200, ■ The application form available on the CRMD website has not been amended and states that the financial penalty may be up to £1.500,00 (€2.562,90¹⁷³).
CZ	<ul style="list-style-type: none"> ■ According to the transposing legislation: a financial sanction may be imposed on a non-EU family member when he/she has not applied for a residence card for EU family members in time. The nature of the sanction is not specified. ■ In practice: the amount of the sanctions has not been specified.
DE	<ul style="list-style-type: none"> ■ NA for EU citizens ■ Art. 10 of the Free Movement Act¹⁷⁴ establishes sanctions of up to 2,500 Euro for failure to possess and/or carry the residence document.

¹⁷¹ If such a comparison should be made: if the maximum fines mentioned in the legislation of AU, BE, CY, DE, ES, IE, PT and SK would actually be imposed, these would represent respectively 12%, 6%, 9%, 68%, 16%, 170%, 13% and 38% of the gross annual salary in these countries.

¹⁷² See for example http://www.bmi.gv.at/cms/BMI_Niederlassung/english/files/Unionsrechtliches_Aufenthaltsrecht_Right_of_Residence_under_EU_Law.pdf

¹⁷³ [http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/B36E2DED1B510461C22578E9002D47FB/\\$file/FORMMEU1.pdf](http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/B36E2DED1B510461C22578E9002D47FB/$file/FORMMEU1.pdf)
- page 7

¹⁷⁴ http://www.gesetze-im-internet.de/freiz_gg_eu_2004/_10.html

MS	Nature of sanctions
DK	■ No sanctions are specified in the transposing legislation for not applying within the delays ¹⁷⁵ .
EE	■ No sanctions are specified in the transposing legislation for not applying within the delays.
EL	■ According to the transposing legislation, sanctions may be applied to EU citizens but they are not specified. Third-country family members who failed to register within a year receive a 50 Euro fine. In practice, however, there is no evidence that EU citizens were ever fined for not having registered,
ES	■ According to the transposing legislation, fines of up to 300 Euro (same as for national ID cards) .
FI	■ According to the transposing legislation and the competent authority, financial sanctions may be used but their nature is not specified.
FR	■ According to the transposing legislation there is a possibility for sanctions to be imposed. There is no mention of the quantity. The Authorities indicate that sanctions are not applied in practice.
HU	■ There are no sanctions specified in the transposing legislation for not applying within the delays.
IE	<ul style="list-style-type: none"> ■ According to the transposing legislation, a person who fails to comply with any requirement of these Regulations or under these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5,000 or to a term of imprisonment not exceeding 12 months, or both. ■ The Competent authority has, however, indicated that sanctions do not apply in a case where TCN family members do not lodge an application within the given deadlines.
IT	<ul style="list-style-type: none"> ■ According to the transposing legislation, administrative sanctions are similar to those applied to national citizens when they do not comply with registration of residence. ■ In practice, national authorities reported that sanctions are very rare as there are few controls.
LT	■ No sanctions are specified in the transposing legislation for not applying within the delays.
LU	<ul style="list-style-type: none"> ■ According to the transposing legislation, sanctions may be applied but their nature is not specified. ■ In practice, it is reported that they are not executed. Usually before applying a fine, the authorities send a reminder by post.
LV	■ No sanctions are specified in the transposing legislation for not applying within the delays
MT	■ No sanctions are specified in the transposing legislation for not applying within the delays.
NL	<ul style="list-style-type: none"> ■ According to the transposing legislation, sanctions may be applied but their nature is not specified ■ In practice, the authorities report that they are not implemented.
PL	■ According to the transposing legislation, failure to register could be sanctioned. There is no information on what this sanction could be. In practice the competent authority reported sanctions are generally not applied.
PT	■ According to the transposing legislation, non-compliance to register can be sanctioned with an administrative fine of 40 Euro to 150 Euro.
RO	■ According to the transposing legislation, there are sanctions, but the amount is not

¹⁷⁵ In contrast if the applicants fail to provide the information necessary for processing the application and assessing eligibility for a Danish EU-Residence Document, this can result in a fine or up to four months imprisonment, as well as placing the EU-Residence Document in jeopardy - See http://www.nyidanmark.dk/resources.ashx/Resources/Blanketter/Ansoegningsskemaer/2008/OD1_ansoegning_eu_opholdsdokument_statsforvaltningen.pdf

MS	Nature of sanctions
	specified. The authorities reported that in practice sanctions of about 10 Euro are applied but this does not affect the registration process.
SE	<ul style="list-style-type: none"> ■ According to the transposing legislation, there are sanctions but the nature is not specified. ■ In practice the authorities indicate that these have never been applied.
SI	<ul style="list-style-type: none"> ■ No sanctions are specified in the transposing legislation for not applying within the delays.
SK	<ul style="list-style-type: none"> ■ According to the transposing legislation a fine of up to 300 Euro can be applied in case the EU citizen and their family members do not fulfil the obligation to register.
UK	<ul style="list-style-type: none"> ■ The transposing legislation does not define deadlines for registration

Source: country fiches, all references to the legislation and articles can be found in these country fiches

3.5 Theme 4 Post-application phase during which competent national authorities deliver the residence document

Theme 4 relates to the management of the applications and the way in which the competent national authorities deliver the residence documents. The ToR specifies that six questions are to be addressed under this theme.

3.5.1 Q 16 - Do applicants have any guarantees that national authorities will deal swiftly with their application or within a deadline which is fixed and made public in advance?

Legal deadlines

The transposing legislation in nearly all countries defines the time limits within which the residence documents are to be issued, with some exceptions in case national legislation does not cover all types of residence documents.

Legal deadlines, when defined, are in line with, or shorter than those defined in the Directive. The transposing legislation of ten Member States (BE, CY, DE, DK, FI, EL, IE, MT, PL and UK), lays down the same deadlines as those defined in the Directive, namely that registration certificates and permanent residence documents for EU citizens are to be issued immediately or “on application” and residence and permanent residence cards are to be issued within six months from application.

The transposing legislation of thirteen (BG, CZ, EE, ES, FR, HU, IT, LT, LU, LV, PT, RO and SK) Member States lays down shorter deadlines than those defined in the Directive. Also, the legislation of Austria indicates that residence cards are to be issued upon application.

The transposing legislation of the three remaining Member States is in line with the Directive, but does not specify when some of the residence documents are to be issued. These countries are: NL, SI (in both cases deadlines for issuance of residence cards not specified - only the deadline for issuance of EU citizen’s registration certificate is specified) and SE (the deadlines for issuance of residence cards and permanent residence cards specified, but not those for registration certificates). More detailed information on the deadlines can be found in the country fiches.

Information about waiting times

In addition to the legal deadlines, many countries (in particular those providing comprehensive information) inform applicants about the potential waiting period for issuance of residence documents. When information is provided online it mostly reflects the deadlines laid down by the transposing legislation or shorter deadlines.

There are exceptions however. For example the Swedish Migration Board indicates that the waiting time for an application for a registration certificate is 6 months if the application is made on paper and 7 months for a residence card. Also, the published waiting times for permanent residence documents are significant in the case of Sweden (5 months for an EU

citizen, and 11 months for a TCN family member¹⁷⁶). Likewise, the UKBA only provides a 6 month deadline, irrespectively of the type of application¹⁷⁷.

Information on waiting time may also be provided directly to the applicant. Judging by the survey results, information is relatively frequently provided. Of those having responded to the survey, 68% of the respondents across the various countries indicated that they were informed about how much time it would take before they actually would receive the residence documents, whereas 32% were not.

In the majority of cases, the reported waiting times are in line with those communicated, or shorter (76%). However, about one in four of the survey respondents indicated that waiting times were longer than what is actually being communicated (24%). The bulk of these cases are reported for BE, CY and MT.

Guarantees

While many Member States inform about waiting time there is mostly little evidence that actual 'guarantees' are given. A notable exception is Lithuania which publishes authoritative deadlines for processing of applications.

Box 14 Practice Lithuania: Publication of deadlines for processing of applications

Lithuania set out publicly available deadlines for processing time, providing reassurance that the applications are treated promptly.

Under the heading "How much time does it take to consider an alien's application for the issuance, replacement of a certificate confirming the right of a citizen of an EU Member State to reside in the Republic of Lithuania, of a residence permit of a family member of a citizen of an EU Member State in the Republic of Lithuania?" the authorities set out that¹⁷⁸:

- An EU citizen's application must be considered and a decision on it must be adopted **not later than within five working days** from the receipt of the application at a migration office.
- An application of a family member of a citizen of an EU Member State for a residence permit in the Republic of Lithuania must be considered and a decision on it must be adopted **not later than within one month** from the lodging of the application with a migration office.

Other exceptions are ES and BE where the respective Ministries state that "positive administrative silence" is applied for residence documents, in cases where a decision has not been communicated to the applicant within three (ES) or six (BE) months (effective approval of the application)¹⁷⁹.

In the case of Belgium however, actual waiting times suggest that the "positive administrative silence" clause is not applied in practice.

Finally in the case of Austria, the Federal Ministry for the Interior supervises the competent residence authorities concerning proceedings from EU citizens when these intend to stay for more than three months. If the competent authority of first instance does not deliver its decision on time, the competence for this decision will be transferred to the higher authority considered competent as regards the subject matter upon the party's written request. In this case, the higher authority considered competent is the Ministry for the Interior, which will decide on the application.

¹⁷⁶ See "waiting times": <http://www.migrationsverket.se/info/5494.html>

¹⁷⁷ <http://www.ukba.homeoffice.gov.uk/eucitizens/documents-eea-nationals/applying/>

¹⁷⁸ <http://www.migracija.lt/index.php?-902603861>

¹⁷⁹ It is not clear if this practice apply only to EU citizens or also to their family members

3.5.2 Q 17 - To what extent do national authorities make a difference between EU citizens and their non-EU family members, on one hand, and other third country nationals, on the other hand?

As detailed in Question 13, evidence suggests that, overall national authorities do make a clear distinction between EU citizens and their non-EU family members, on one hand, and other third country nationals, on the other. This distinction can be found in the legislation, applications and procedures and costs associated with applications.

Generally, specific departments or even different institutions are responsible for the handling of applications. Judging by the data gathered, it is only in the case of Cyprus that TCN family are treated and processed together with general TCN applications.

The review of YEA cases across Member States also suggests that there are relatively few issues with family members' applications being treated under other legislation than implementing registration of Directive 2004/38. While cases have been identified (notably FR and IT) they seem to be rather the result of isolated practice.

3.5.3 Q 18 How long on average does it take for the residence document to be delivered?

Although interviewees from Ministries and competent authorities were invited to provide statistics on processing time and time to deliver residence documents, only few Member States have provided such data.

When data has not been made available, data from other sources has been used to complement the assessment of the time necessary to receive the residence documents. This data include YEA data, data from survey results and data from interviews with both public officials and independent stakeholders¹⁸⁰.

The data collected suggests that the time from the application to actual issuance of documents differs significantly across Member States. Waiting times are, as could be expected, much longer for TCN family members than for the EU citizens. A number of Member States have difficulties in meeting the deadline of six months for TCN family members, at least on a systematic basis.

Issues with meeting the requirement of "immediate" issuance of residence documents (estimated as one month deadline for issuance of residence documents) for EU citizens have been identified in CY, IT, MT, SE and the UK. Also, in a few cases, problems have been identified in CZ and ES. As illustrated in box 14 below, obtaining documents can prove to be burdensome.

Box 15 Delays for issuing residence documents to EU citizens

Citizens' experience in Malta

Survey results suggest that there are issues with timely delivery of residence documents in some countries. Such issues have been for example identified in the case of Malta. While EU citizens are mostly well informed about the expected delays for receiving their residence documents, in practice citizens experience further unexpected delays and deadlines. Examples include:

- "The process for application is very burdensome. It was very difficult to find any useful information online. The authorities are not ready to deal with huge amount of people. You have to wait for everything for weeks and months. Telephone lines are cut and emails are full. They ignore fax as well. I have been waiting almost 6 months, when I contacted them I was told to wait a few more months. I don't think it should work like that! And I was lucky, I got an appointment!"
Slovak national working in Malta, moved alone, applied December 2012.
- "The applications and procedures are a mess. Document requirements are not clear and officials

¹⁸⁰ As data on permanent residence documents, across all categories, is not available in the majority of Member States, these documents are not considered in the text (but included where available in the country fiches)

do not know what they have to ask for. I had problems getting an appointment, there are problems with crowded offices and I had problems getting my documents. It has been a nightmare to obtain the residence documents. Eventually I got it, but after three months of waiting" (*Spanish national, trainee, moving alone, applied early 2013*)

- "The situation in which you are forced to apply is so chaotic that it is physically impossible to get to speak to a person. I have given up obtaining an e-residence card for the time being" (*Danish national, employee having moved with his spouse*)

Source: Citizens consulted via the survey

For TCN family members, issues with meeting the six month deadline have been identified in BE, CY, FR, SE and UK. A few cases have also been identified in CZ and IE. When, residence cards for TCN family members are not issued in a timely fashion they often create significant practical problems, as illustrated in the box below, presenting citizens' experiences from the UK.

Box 16 Delays for issuing residence documents to third-country national family members

Citizens' experience in the UK

Residence registration is not a requirement in the UK, but for TCN family members, it is necessary in practice for residing effectively in the UK (to prove legal residence, to get a job and to travel¹⁸¹). Data from Your Europe Advice (YEA), suggests that there are significant issues with late delivery of residence documents beyond the legal 6 months deadline following the application. The negative practical implications for EU citizens and their family members who remain without residence documents often for periods longer than six months are compounded by the practice of UK authorities to request and withhold original documents such as passports, as illustrated by the following recent examples from YEA:

- "I made an application for EEA2 resident card here in the United kingdom six month ago. To date I have not received my residence documents, nor has the UKBA returned my passport. I have made plenty of effort to get just my passport back by sending email to the UKBA, Fax, Telephone and Post but without success. The UKBA has made it impossible for us to see my wife's family in Slovakia as we cannot travel." *Nigerian national with a Slovak spouse, applying for residence documents end 2012*
- "I am currently studying in the UK, and I'm married to an Indian national. My husband and I applied for an EEA2 residence permit for him in September 2012. We received a certificate of application a month later, which said that they would make a decision about it within six months. It has now been almost seven months, and after enquiring about the application a few times, we were told that we had no choice but to wait. Our lives have come to a standstill because of this (they have my husband's passport and our wedding documents)." *Danish national, married to an Indian, applied for residence documents in September 2012.*
- "I'm living and working in the UK. I am in a civil partnership with a Brazilian. We have applied for him to get a residence card (so he can open a bank account, etc.), but the UK authorities gave no answer for more than six months. When we contacted them, they said we have to wait more." *Polish national, partner applied in October 2012*
- "My wife is Indonesian and has applied for a UK residence card more than 6 months ago. We did get a confirmation of the application after one month and in that letter they confirmed that it would take a maximum of 6 months. Since the 6-month deadline is now passed I called them this week but they could not give any update on the status of the application. All they could give me was an address to send a letter to. We have now been stuck here in the UK for more than six months and need to travel soon for family reasons. Her family permit has now also expired so if

¹⁸¹ An EEA permit is necessary in order to guarantee readmission see <http://www.ukba.homeoffice.gov.uk/eucitizens/documents-family/>

we would request her passport back and leave the country she would once again need to apply for an EEA family permit. My next step is to send a letter and keep on calling daily but it is incredibly frustrating and given the response from my last call I am not sure if they will take any action.” *Swedish national, with an Indonesian wife who applied for residence documents in September 2012.*

Source: Your Europe Advice cases (registered in 2013)

Table 3.17 below provides an overview of the time needed for residence documents to be delivered, indicating if issues have been identified with the timely processing and issuance of residence documents and the reported average time to issue residence documents.

Table 3.18 Time to issue residence documents

Issues identified with delays ¹⁸²			Time needed to issue residence documents (reported and other data)		
MS	Delay EU citizen (>one month)	Delay TCN (>6 months)	Residence documents	Residence cards	Comments and source
AT	No	No	The authorities did not specify how much time it takes to issue residence documents, but noted that procedures in place ensure a rapid processing of applications	The authorities did not specify how much time it takes to issue residence documents, but noted that procedures in place ensure a rapid processing of applications. They, however also indicated that waiting time goes up to six months when there are difficult cases or when not all documents were presented	No statistics provided
BE	Yes	Yes	Not reported by the authorities. Survey results suggest significant issues with delays (more than half of survey respondents received the documents after 1 month)	Not reported by the authorities. YEA data suggests that there are significant issues with delays (beyond six months)	No statistics provided
BG	No	No	Reported by the authorities: 10 days	Reported by the authorities: 10 days	No statistics provided
CY	Yes	Yes	It is reported by the authorities to be quick However, most survey respondents indicate that they got their documents within 2 to 3 months	Data on this was not provided by the competent authority. Judging by both YEA data and SOLVIT data, there have been substantial issues with timely delivery of residents' cards for TCN family members in past years and delays persist throughout 2012 and 2013.	No statistics provided
CZ	Yes (few cases)	No	It is reported by the authorities to be done at the latest within 1 month Survey results however, suggest that the time for effective issuance differs significantly from one week to 4 to 5 months.	According to the authorities, at the latest within 60 days.	No statistics provided

¹⁸² This section reports on issues when identified. The fact that issues have not been identified does not imply that there are no issues. Judging by the data provided, authorities often do not monitor the time to issue residence documents, but regularly indicate that the deadlines are respected. Consequently there may be issues which have not been captured by the study (especially in countries with few applications).

Issues identified with delays ¹⁸²				Time needed to issue residence documents (reported and other data)	
DE	No	No	Not reported by the authorities (not known)	Not reported by the authorities	No statistics provided
DK	No	No	Reported by the authorities: 2 weeks for EU citizens (other than EU family members) Reported by the authorities: 3.5 weeks for EU citizen being family members	Average time for a decision 2 months + 2 to 4 weeks to print the card)	No statistics provided, but the data reflect actual monitoring.
EE	No	No	Reported by the authorities: 2 weeks	Reported by the authorities: Up to 3 months	No statistics provided
EL	No	Yes	Reported by the authorities: issued on the day of the application	Reported by the authorities: delays in some cases beyond 6 months due to lack of human resources and cumbersome procedures	No statistics provided
ES	Yes Some cases	No	Data not provided by the authorities. Survey results would suggest that the time may differ very significantly (from a week to more than 6 months). Likewise, the competent authority indicates that there are issues with delays in registration processes in big cities.	68 days on average. The competent authority nevertheless indicates that there are issues with delays in registration processes in big cities.	No statistics provided
FI	No	No	Reported by the authorities: within 30 days	Reported by the authorities: within 30 days.	No statistics provided
FR	Yes	Yes	Data not provided by the authorities (facultative registration). According to an interview with an official from a Prefecture, the entire procedure for EU citizens takes about 40 days on average.	Data not provided by the authorities YEA data suggest systematic issues with delays of issuance of cards	No statistics provided
HU	No	No	Reported by the authorities within the legal deadlines	Reported by the authorities within the legal deadlines	No statistics provided
IE	NA	Yes (some cases)	NA	Not monitored. The authorities report that applications are dealt with within the statutory deadlines applicable. YEA cases however suggest that there are (at	No statistics provided

Issues identified with delays ¹⁸²			Time needed to issue residence documents (reported and other data)		
				least occasional) issues with delays with the issuance of residence documents. Likewise the NGO consulted considered that the most significant issue with issuance of residence cards are delays.	
IT	Yes	No	No information provided (interviews not undertaken with the authorities responsible for registration certificates) ¹⁸³ Survey data suggests significant variance in time needed	Authorities reported that residence documents are issued within a month	No statistics provided
LT	No	No	Reported by the authorities: 1 to 2 days (no later than 10 working days)	Reported by the authorities: Within one month	No statistics provided
LU	No	No	Reported by the authorities: on application	Not monitored by the authorities. However, the document supporting the application has the same legal value as that of a residence card for 6 months	No statistics provided
LV	No	No	Reported by the authorities: 5 working days for a decision to which should be added 2 to 10 working days if an ID card is requested	Reported by the authorities: about a month to reach a decision to which should be added time to issue to the card.	No statistics available
MT	Yes	Not known	No information provided by the authorities (Interviews not undertaken) Survey data as well as NGO interviews suggest significant issues with delays. About half of the survey respondents received the documents within 2 to 3 months.	No information provided by the authorities (Interviews not undertaken) ¹⁸⁴	No statistics provided, Interview not undertaken.
NL	Not known	No	Reported by the authorities: Reported to vary from 1 day to up till two months	Reported by the authorities: Within 1.5 - 3 months	No statistics provided
PL	No	No	21 days (statistics)	83 days (statistics)	Statistics available
PT	No	No	No data is available. Reported by the	No data is available. Reported by the authorities	No statistics

¹⁸³ Interviewees have been contacted but it has not been possible to arrange an interview.

¹⁸⁴ Given delays with registration certificates of EU citizens, it can be presumed that TCN family members face similar delays

Issues identified with delays ¹⁸²			Time needed to issue residence documents (reported and other data)		
			authorities that the legal deadlines are respected	that the legal deadlines are respected	provided
RO	No	No	Data on this is not available from the competent authority (not provided). It is reported, however, that residence documents are usually delivered within 90 days	Data on this is not available from the competent authority (not provided). It is reported, however, that residence documents are usually delivered within 90 days	No statistics provided
SE	Yes	Yes	Average handling time for all categories but students > 30 days)	127 days for Direct family members, 197 for other family members	Statistics available
SI	No	No	Reported by the authorities: 15 days to process + additional time to prepare the document	Reported by the authorities: 28 days	No statistics provided
SK	No	No	Reported by the authorities: 2 to 3 weeks	Reported by the authorities: 30 days maximum	No statistics provided
UK	Yes (RO & BG)	Yes	No data provided (data exist but it appears that it cannot be disclosed) YEA and other data suggest delays for BG and RO. Not known for other groups.	No data provided (data exist but it appears that it cannot be disclosed) YEA and other data suggest frequent delays beyond 6 months	No statistics provided

Source Country fiches

Judging by the data collected, there are few examples of procedures which have been put in place to actively encourage quick processing times for decentralised authorities.

The Danish practice should in this respect be noted. In this case processing time is linked to performance indicators of competent authorities, which, in turn, are linked to funding of the authorities. This approach is illustrated in box 17.

Box 17 Practice Denmark: target setting for processing of applications

The timely processing of applications for residence documents forms part of the key performance indicators of the competent authority (Statsforvaltningen) and reflects a double objective: to ensure rapid processing of applications, in line with Directive 2008/38 and to contribute to the political objective of facilitating foreign recruitment.

The key performance indicators are laid down in the annual “Result Contracts” between Ministry of Economy and Interior and the Regional State Administrations. Compliance with targets forms part of the calculation of the achieved results for the regional state administrations (representing a weight of 2.5%) and consequently the funding allocated to these.

The target set for number of weeks to handle applications for residence documents for EU citizens was two weeks in 2012 and three weeks for 2013 and 2014¹⁸⁵. Targets were achieved in 2012¹⁸⁶. TCN family members’ applications are not considered in the target setting.

The authorities note that once such targets have been set and the processing system is designed accordingly they are generally not difficult to achieve. They ensure focus and can in this respect be recommended.

3.5.4 Q 19 - How many and which national authorities are generally involved in the decision-making process?

This section considers the authorities involved in the decision making process related to the issuance of residence documents. In this section decision making is understood in a broad sense covering the management and processing of individual applications, involvement of authorities in specific cases, general guidance on processing and decision making and administrative appeal.

Processing of applications and management

In most Member States, applications are received and processed at local or regional level, with the local level being:

- Municipalities or regional authorities AT, BE, DE, LU, PL, SI, – and for either TCN or EU citizens: EL (TCN), ES (TCN), IT (EU) and PT (EU)
- The Police SK, FI, EE – and for either TCN or EU citizens: EL (EU), ES and IT (TCN)
- Decentralised state authorities: BG, DK, HU LT, LV and RO.

In some Member States competent authorities are national (BG, CZ, CY, IE, MT, NL, SE and UK)¹⁸⁷.

¹⁸⁵ Result contract between the Ministry of Economy and Interior and the regional state administrations (Resultatkontrakt mellem Oekonomi- og Indenrigsministeriets Departement og de Regionale Statsforvaltninger – 2013 http://statsforvaltning.dk/sfdocs/Publikationer/Resultatkontrakter%202013/Resultatkontrakt_2013.pdf

¹⁸⁶ Årsrapport 2012, Regional Statsforvaltning. <http://statsforvaltning.dk/sfdocs%5CPublikationer%5C%C3%85rsberetninger/2012%20-%20Statsforvaltningernes%20%C3%A5rsrapport.pdf>

¹⁸⁷ In the Czech Republic and in Sweden, applications are lodged with the Ministry’s/Migration board regional offices.

In four Member States, different authorities are responsible for EU citizens' applications and their TCN family members' (EL, ES, IT and PT¹⁸⁸), which are typically the police and municipalities.

Beyond these four countries there is generally only a single authority involved in processing and decision making on applications...

The main exceptions are BE and CY. In the case of Cyprus, applications of TCN family members are systematically forwarded to the Aliens Immigration Department, responsible for all TCN applications (irrespective of the rules governing their status) whereas EU citizens applications are treated locally. In the case of Belgium, complicated cases or cases in which the supporting documentation is not clear cut are forwarded to the Alien Office.

Also Denmark has one system for the processing of applications from (non-Danish) EU citizens and their (TCN) family members (carried out by Statsforvaltingen) and another for applications from returning Danish nationals with their TCN family members which are dealt with by the Ministry of Justice office for Foreigners¹⁸⁹.

Another exception is Poland where applications related to TCN family members systematically are forwarded to the chief of the border guard, police and security forces to check if the person is not a risk for public security. Such a systematic consultation practice has not been reported in any other case.,

Consultation and guidance on individual cases – national level

While the treatment of applications is quite systematically decentralised, national authorities can be consulted on specific applications without being involved in their processing or in the decision making process. Such systems appear to be more or less formalised. Involvement of national authorities in providing guidance and advice on cases is specifically reported in FR, EL and LU.

Guidance and training provided to competent authorities

Ministries in several Member States provide guidance and training to competent authorities in order to ensure that they are aware of and familiar with EU rules and case law. The following practices have been reported, but more countries are likely to have systems for guidance and/or training in place:

- Detailed guidance material provided to competent authorities – including guidance on processing and case law and how to interpret case law in practice: DE¹⁹⁰, DK, ES, FR, and LV.
- Regular training: AT, BE, FR and HU
- General guidance and exchange of information: EL, ES, FR, LV, NL, PL, PT¹⁹¹
- Secure websites with guidance and information: BE, FR

Generally, guidance for the competent authorities does not appear to be publicly available. An exception is Denmark¹⁹².

¹⁸⁸ For PT, applications related to TCN family members are to be lodged with the Migration and Border Service, SEF which is a police body whose functions are the control, settlement and integration of immigrants in Portugal

¹⁸⁹ No other Member States have reported that they have made a difference in the processing of applications depending on whether the principal EU national is a national stemming from another EU Member State or a returning national. Information collected in the framework of this assignment suggests that the treatment of returning Danish nationals with their TCN family members is very different to that of other EU national – and needs to be seen in the light of migration policies in place for Danish nationals as regards family reunification.

¹⁹⁰ Binding Federal administrative guidelines

¹⁹¹ By the SEF

¹⁹²

Box 18 Practice France: guidance, advice and support to competent authorities

In order to support processing of applications, the Ministry of Interior provides various forms of guidance and support to the Prefectures, including:

- Regular training sessions, which are organised in the Ministry for staff of competent authorities. Civil servants from Prefectures participate in such training which covers EU and national legislation in place, case law, and interpretation of case law.
- An intranet webpage is accessible for the staff of the Ministry and competent authorities where they can find information on the legislation and a directory of Ministry officials and other local competent authorities (created in September 2011).
- Guidance documents are available on the intranet, including:
 - Searchable guidance including 20 detailed guidance documents and fiches to support the processing of residence documents for EU citizens and their family member
 - Guidance documents for front desk officials
- Direct contacts between the Ministry and competent authorities are established to answer ad hoc requests on a case by case basis

Administrative appeal

Administrative appeal (procedures for reviewing the decisions by the administration itself) is possible in some countries although only some Member States provided information on appeal possibilities. Therefore, this section only covers the countries where information has been provided or where information on appeals is available online.

CZ, DK, HU, LV, MT and UK explicitly allow for administrative appeals. Also, Ireland has a simple review procedure in place.

DK is the only country which has provided data on the number of administrative appeals lodged, which was 134 in 2012, of which about half (64) related to employees and about 40% related to TCNs (50). In the case of DK it is noted that decisions on appeals concerning nationals married to EU citizens are taken much faster than those related to TCN family members of nationals.

Appeals are explicitly not allowed in CY¹⁹³ and SE. In the case of SE, it is noted that, while an appeal is not possible, the re-lodging of an application is allowed (including more evidence to support the application).

3.5.5 Q 20 - To what extent the delays can be attributed to administrative burdens related to application forms and number of national authorities involved in the decision-making?

As presented above, where data is available, it seems that the time required to issue residence documents varies very significantly, depending on the Member State and depending on the nature of the application (in particular whether the applicant is an EU national or a TCN family member).

Considering that in general only one authority is involved in the application process and that delays in the application process vary significantly, delays cannot directly be attributed to the number of national authorities involved in the application process (possibly with the exception of CY). Similarly, there is generally little evidence to suggest that the type and volume of information to be provided in the application forms is a reason for administrative delays.

Ministries and competent authorities generally did not consider that there were substantial issues with processing and delivery – and this irrespectively of their actual processing times.

¹⁹³ Rejections in Cyprus have to be appealed before the Supreme Court.

However, where Ministries and Competent Authorities indicated that there were issues, these were often considered to relate to a lack of human resources and the large number of applications, making it difficult for the competent authorities to deal with these on time.

It appears that delays (understood in their widest sense, covering not only the time to process applications once they are considered complete, but also waiting time from first contact with the competent authority) are broadly related to:

- Number of applicants - in absolute numbers (e.g. IE and UK) and relative to the size of the population of the country (CY and MT).
- Management procures (CY and UK). In the case of CY, the fact that Immigration Department is responsible for all TCN applications hampers efficient processing. In the case of the UK, a triage system does not allow for a sufficiently rapid allocation of applications to staff.
- Inadequate staff available for processing (EL and FI)
- Additional requirements for documentation, obliging the applicant to return several times – but also implying additional time to collect additional documentation (sometimes not fully compliant with the Directive) (BE, CY and MT).
- Lack of opportunities to arrange appointments – or appointments which can only take place after substantial waiting time (CY, MT and UK).
- Potentially fraudulent applications, requiring follow up and additional checks and consequently additional processing time (UK, IE and SE) (see also below)
- Incomplete applications (SE, CY)

Finally, there appears to be some correlation between long waiting times and the extent to which authorities have adopted a central approach to the processing of applications. Member States with decentralised approaches appear to have shorter processing times.

Checks of applicants

The extent to which applications are checked against databases with criminal records or against other sources of information appears to differ between Member States and was not systematically reported. Judging from the data available, checks appear mainly to take place on TCN partners (including spouses). The scope of checks is however broader in the UK, which, according to the application form, systematically undertakes criminal record checks on any applicant (hence including EU citizens) and Belgium (check of effective residence by the police).

Countries where regular checks of TCN family members have been identified include DK (systematic checks of a sample of applications of TCN family members), CY (all applicants appear to be checked and such checks includes spontaneous visits to verify the genuine nature of the marriage with the EU citizens), PL (where all applications from TCN family members are checked with the border guard, police and security forces), and the UK.

Online application – impact on processing and delays

Currently, only a few competent authorities allow for online applications to be lodged (DK, FI and SE). There is too little evidence available to assess the extent to which online forms of application have an impact on processing time. The case of Sweden, however, suggests that online application helps to minimise delays.

Box 19 Practice Sweden: online lodging

As reported by the Swedish competent authority requests for residence documents made online by web application have proven more efficient than applications made by a personal visit to one of the Migration Boards service centres.

Online applications are much more frequently complete compared to other applications. Whereas an estimated 80% of the paper-based applications require additional documentation, this is only the

case for some 3% of the online applications.

Applications are also processed quicker, with an average processing time of 3 days.

A personal visit includes waiting time for the applicant and extra human resources to give information and receive and register applications. Furthermore, as all documents are on paper, extra time is needed to create a file, sending documents to the right unit etc., compared to the digital procedure concerning web applications. The procedure for the requests and applications is otherwise the same once the request or application has been made.

To date however only registration of right of residence for employees and students can be made (family members, regardless of nationality of these categories can also apply online IF they apply at the same time as the EU citizen)

3.5.6 Q 21 What are the main problems competent authorities encounter when processing applications?

Issues encountered by the authorities, as reported, fall into three broad categories:

- Issues with inadequate means of proof ;
- Applications from applicants whose right of residence may be questioned;
- Issues related to TCN family members.

Issues with inadequate means of proof– especially on sufficient funds or self-employment

Some Member States indicate that there are issues with means of proof submitted as regards self-employment or sufficient funds, and in relation, occasional issues with health insurance.

In this respect, some authorities (DK, SE, and NL) indicate that the Directive is not very detailed and consequently practical issues occur in its implementation. Such issues relate notably to insufficient documentation and effective proof of the situation giving rights of residence. For example, the NL authorities note that a proof of registration with the chamber of commerce may indicate self-employment status, but it does not guarantee that the applicant is in fact active in practice. Consequently, various types of documentation may effectively be required (e.g. see examples of DK and SE in the country Fiches, Annex 1).

Applications from applicants whose right of residence may be questioned

A few authorities (notably in BE and FR) note that there are occasional issues with applications from citizens who actually do not fulfil the conditions to benefit from the right of residence, either because they are not employed, or because their situation as self-employed may be questioned. In respect to the latter, the French authorities note occasional issues with Romanians (who are required to register in order to work in France) who, while they are registered under a specific self-employment regime (“Auto-entrepreneur”) actually do not operate as such and have insufficient income to live off.

Issues related to TCN family members

Across Member States, the most frequent issue raised and the one mostly perceived as critical is that of TCN family members. Issues relating to TCN family members fall into two broad categories: issues with verification of proof of family ties and, in relation, issues with marriages of convenience.

Issues related to the verification and validity of documents presented to the authorities are first and foremost related to documentation stemming from third countries proving family relations (e.g. marriage certificates). Likewise several Member States report issues with means of proof for de facto relationships between TCN and EU citizens.

In relation to the issue of documentation and proof of family ties, several Member States express frequent concerns with marriages of convenience, or with abuse or fraud relating to TCNs. The consequences of abuse or fraud suspicion are, as presented above, regular

checks of the applications, beyond verification of the documentation provided, leading in turn to lengthy registration procedures.

In order to address issues of lengthy application procedures in case of fraud concerns, Sweden is currently testing an alternative approach for applications where TCNs are involved.

Box 20 Practice Sweden: First delivery of documents, then checks

The Swedish Immigration board has indicated that Sweden encounters regular issues with a specific category of applications involving TCN family members.

These applications are lodged by EU citizens applying with TCN family members, in situations where the principal EU citizen works abroad. Most of these applications are lodged by Danish and Norwegian nationals, living in Sweden but working in Denmark or Norway.

These persons become “persons with sufficient funds”, and require documentation and information to prove that they are indeed self-sufficient and actually residing in Sweden¹⁹⁴.

The competent authority states that in this category there have been many issues with abuse. Consequently, it is considered necessary to investigate these cases more closely. In addition to these cases there are, according to the authorities, also cases relating to former asylum applicants who marry EU citizens after having received a rejection on their application for asylum. The competent authorities report that in these cases there is often a strong suspicion of marriage of convenience, and they therefore need to be investigated, which might take some time.

A different method to deal with these cases is currently being tested, whereby residence cards are granted upon receipt of the required documentation (considered as “minimum documentation”). Additional documentation is not required –even if there are indications of potential fraud or abuse, such as a marriage of convenience or that the applicant has a false address and in fact is not residing in Sweden. Instead, follow-up is given after some time to make sure that the family really is residing in Sweden, and is self-sufficient – or that the marriage is a genuine one. The follow up consists of some sort of investigation, generally an interview with the applicant and the spouse.

Authorities hereby expect to diminish the average handling time considerably.

3.6 Theme 5 Post-application phase during which competent national authorities deliver the residence document

Evaluation theme 5 considers the need for and added value of the resident documents. Furthermore, it considers deadlines for renewal. The ToR specifies that the following question is to be addressed under this theme:

3.6.1 Q 22 How useful are residence documents for their holders?

In order to address this question the section is structured as follows:

- Necessity of the residence documents
- Duration of the residence documents and requirements for renewal

3.6.2 Necessity of the residence documents

Evidence suggests that the residence documents in some Member States are a necessity in order for EU citizens and their family members to fully enjoy their rights. In some cases they are a formal or practical requirement in order to:

- Complete further public administrative procedures

¹⁹⁴ As there are issues with effective residence in Sweden

- Enjoy public or private services.

Residence documents for TCN family members have a value clearly distinct from those of EU citizens (right to return to the country of residence when travelling and proof of right of residence – which in turn impact on opportunities for job search etc.). Given this quite different value these are not considered here.

Necessity of the residence documents for other forms of reporting/registration with public authorities

Section 3.3.1 presented an overview of other forms of reporting with the public authorities which are required in some Member States in addition to the process to obtain residence documents. In many of these cases, additional registration relates to the ‘declaring’ of residence. However, in a few countries (DK, FI, LV, NL and SE) this additional registration is dependent on successfully applying for residence documents.

Necessity of residence documents to enjoy public or private services

In many countries, residence documents are needed to enjoy public and private services – as well as to comply with relevant requirements.

Generally, survey results suggest that residence documents (in those countries where registration is required) are necessary to access public benefits and services as well as private services (or they at least substantially facilitate such access). Around 68% of those surveyed indicate that they encountered issues with either public or private services due to a lack of resident documents.

However, access to public or private services does not automatically require ‘residence documents’ as such, but rather what is provided as a result of obtaining these documents. In DK, ES, FI, NL, PL and SE, it is rather the national identification numbers which are needed and which are provided as part of the registration process for residence documents (e.g. Spain) or provided subsequently (as presented above).

Also, different types of proof of registration may be needed for different activities. An example is Austria, where the residence documents are needed to gain access to public services (health care and unemployment benefits) whereas the Austrian “Meldezettel” which is obtained when registering in the Central Register of Residence Registrations (Zentrales Melderegister - mandatory for all citizens in Austria) is needed for private services.

Necessity of residence documents – or other registration - to enjoy specific public or semi-public services

In several countries, residence documents are a requirement for enrolling in social security or other public services. In some cases this may be a formal requirement. In other cases this may not be a formal requirement, but it is in practice required and creates difficulties if they are not available to hand.

Across the Member States, residence documents may be needed for:

- Tax payments
- Access to health services and subscription to medical care
- Access to public education and training
- Access to education for the EU citizens themselves, their partners and dependent children and other family members.
- Access to public libraries

Necessity of residence documents – or other registration - to enjoy private services

In addition to benefitting from public services, survey results suggest that enjoying private services is also to a wide extent dependent on residence documents. This is notably the case for opening a bank account, subscribing to a phone/mobile contact and to a smaller extent for renting or buying property and insurance.

Residence documentation can also be helpful to obtain discounts (reductions and discount cards in super markets).

Due to the fact that some countries are much better represented than others in the survey results, it is not possible to provide a full overview of the necessity for documents and their usefulness per country. Based on the available data however, Table 3.18 maps how surveyed citizens have used their residence documents. In some cases data has been complemented by interview data.

The table distinguishes between the usefulness of **residence document as such** – and the usefulness of ID numbers or documents issued in relation to other forms of reporting with the public authorities.

This is an important distinction as, indeed, in a number of countries, the value of the residence documents issued is limited in a national context but, in contrast, national ID numbers often are essential for accessing public and private services.

Table 3.19 Usefulness and necessity of issued residence documents and other registration – public services

Country	Residence documents needed (or useful) for	Other registration (ID numbers, social security cards etc.) needed for
AT	<u>Public services :</u> <ul style="list-style-type: none"> ■ Unemployment benefits ■ medical care 	Meldezettel reported needed for <u>Private services</u> items such as: <ul style="list-style-type: none"> ■ Opening a bank account ■ Buying a car ■ Video store membership ■ mobile phone subscription/connection
BE	<u>Public services</u> <ul style="list-style-type: none"> ■ Subscription to a health insurance and obtaining a health insurance card. As from 2014 the residence cards/ID cards will replace the social security cards (the SIS cards). ■ For tax purposes – including notably tax online ■ enrolment in schools ■ Face to face contacts with the public administration ■ Registration with the unemployment offices (national ID number needed) ■ To dispose bulk waste <u>Private services</u> <ul style="list-style-type: none"> ■ mobile phone subscription/connection ■ Opening a bank account ■ telephone subscription ■ Certain services at the post <p>In addition, the Belgian E-card is often reported helpful as an ID card – for example when subscribing to a metro card</p>	
BG	<u>Private services (NB:: little evidence)</u> <ul style="list-style-type: none"> ■ opening a bank account ■ phone and internet subscriptions 	
CY	<u>Public services</u> <ul style="list-style-type: none"> ■ Registration at the hospital, ■ Registration at the Social Insurance ■ Registration for children allowance ■ Residence number required on any letter send to the public 	

Country	Residence documents needed (or useful) for	Other registration (ID numbers, social security cards etc.) needed for
	<u>Private services</u> <ul style="list-style-type: none"> ■ opening a bank account ■ Car registration ■ Subscription to a phone contract 	
CZ	No specific requirements identified – reported not needed	
	While currently not mandatory, survey results suggest that residence documents nevertheless are necessary for	
DE	<u>Public services:</u> <ul style="list-style-type: none"> ■ Registration with the health insurance ■ University registration <u>Private services:</u> opening of a bank account	
	Needed to obtain a health insurance card and the associated CPR number	The CPR number (and the health insurance card issued subsequently to the residence document) is needed for <u>any public service</u> – included but not limited to: <ul style="list-style-type: none"> ■ Medical and health services ■ Library services ■ Registration with the employment services and for unemployment benefits ■ Any contacts with the public authorities (all registration via the CPR number) ■ Subscription to schools and courses ■ Tax registration The CPR number is also needed for various <u>private services</u> – such as: <ul style="list-style-type: none"> ■ Telephone subscriptions ■ Opening a bank account
DK		
EL	Judging by survey results: documents not necessary – besides for buying a car	
	Judging by survey results, the documents are necessary for	
EE	<ul style="list-style-type: none"> ■ Public services: access to the health system ■ Private services: Mobile telephone and internet contract. In addition they are helpful for: <ul style="list-style-type: none"> ■ Online tax payment ■ Online signature 	
	The documents and in particular the NIE that is included in residence documents is needed for the following:	
ES	<u>Public services</u> <ul style="list-style-type: none"> ■ Register and obtain health coverage ■ Register with the employment service ■ Register for language classes for migrants <u>Private services</u> <ul style="list-style-type: none"> ■ Getting a driving license ■ Acquiring a house and/or a car ■ To open a bank account ■ To get a phone connection or a subscription 	

Country	Residence documents needed (or useful) for	Other registration (ID numbers, social security cards etc.) needed for
	<ul style="list-style-type: none"> for internet or a mobile phone ■ To get a supermarket discount card 	
FI	Needed to obtain a health insurance card and the personal identification number	<p>The personal identification number is used, amongst other things:</p> <ul style="list-style-type: none"> ■ For local elections, ■ taxation, ■ health care (subsequent registration with the KELA¹⁹⁵) ■ Interaction with the administration
FR	Judging by survey results, residence documents are generally not needed.	
HU	<p>Judging by survey results, residence documents are generally not needed, but could be helpful in relation to:</p> <ul style="list-style-type: none"> ■ Internet subscription ■ To receive registered letters (as a proof of residence at the given address) 	
IE	NA not issued for EU citizens	
IT	<p>Judging by survey results, residence documents are needed for:</p> <p><u>Public services</u></p> <ul style="list-style-type: none"> ■ Access to the health system <p><u>Private services</u></p> <ul style="list-style-type: none"> ■ Opening of a bank account 	
LT	No information	
LU	No information	
LV	No information	
MT	<p>Judging by survey results, residence documents are needed for:</p> <p><u>Public services</u></p> <ul style="list-style-type: none"> ■ Reduced public transport fees ■ Dealing with the public administration ■ Access to the health system <p><u>Private services</u></p> <ul style="list-style-type: none"> ■ Opening of a bank account ■ Mobile phones and internet connection ■ Reduced water and electricity tariffs ■ To rent or buy property 	
NL	<p>Documents necessary to obtain:</p> <ul style="list-style-type: none"> ■ BSN Number ■ Insurance 	<p>Burger Service Number, BSN, in particular, appears to be required for:</p> <ul style="list-style-type: none"> ■ Opening of a bank account ■ Internet/phone subscription ■ Access to the health care system
PL	Judging by survey results, residence documents are of little use	PESEL (personal identification number in Poland) is required for all administrative proceedings
PT	Judging by results, residence documents might be needed for	

¹⁹⁵ KELA administer social security as family benefits, health insurance, rehabilitation, basic unemployment security, housing benefits, financial aid for students and basic pensions. In addition, KELA provides disability benefits, conscripts' allowances and assistance for immigrants.

Country	Residence documents needed (or useful) for	Other registration (ID numbers, social security cards etc.) needed for
	<ul style="list-style-type: none"> ■ Opening of a bank account ■ Starting an independent activity 	
RO	No information	
SE	Reported of little/no use	Personal Number (Swedish tax agency) is needed to : <ul style="list-style-type: none"> ■ Register and obtain health coverage ■ Register with the employment service ■ Register for language classes for migrants ■ Open a bank account ■ Get a phone connection or a subscription for internet or a mobile phone ■ Get a supermarket discount card
SI	No information	
SK	Judging by results, residence documents might be needed for: <u>Private services</u> <ul style="list-style-type: none"> ■ Opening of a bank account <u>Public services</u> <ul style="list-style-type: none"> ■ Access to the health system 	
UK	None – besides for proof of residence	

Source: survey result and interviews

Duration of validity of the issued residence documents

The validity of residence documents differs across Member States and depends among other on the nature of the document which is issued. As regards registration certificate, research undertaken suggests that countries (for which information is available) can be grouped in three categories:

- Those that issue registration certificates which do not have an expiry date (AT, CZ, DK, DE, ES, FI, LU and SE). Such certificates typically take the form of a simple paper confirming registration.
- Those that usually issue registration certificates with a general validity of five years (AT, BE¹⁹⁶, EE, EL, LV, PT, SI and SK)
- Those that issue registration certificates with a validity of up to five years (FR, LT and RO)

Many Member States have set the validity of the residence for EU citizens to five years. This needs to be seen in a context where many Member States issue ID “cards” similar to those of national cards which likewise have a validity of five years.

As regards the residence cards they usually have a validity of five years, but the period can also be shorter (depending on stay of the EU family member).

When residence documents have validity shorter than 5 years, data suggests that they are issued in relation to a declared period of stay. While YEA cases suggest that there are occasional issues with residence documents of reduced validity, there is no evidence of a widespread practice.

An overview of the data collected on the validity of residence documents to date is presented in Table 3.19.

¹⁹⁶ When a card is issued, a paper format can also be chosen which does not have an expiry date

Table 3.20 Duration of validity of the issued residence documents

MS	Registration certificate (can - depending on cases - be up to)	Residence card (TCN family members) – generally (or up to)	Permanent residence certificate	Permanent residence card (TCN family members)
AT	5 years (plastic card) paper no expiry	No expiry	5 years	10 years
BE	5 years for registration certificate in a card format ¹⁹⁷ .	5 years	10 years	10 years
BG	No information	No information	No information	10 years (automatically renewed)
CY	No information	No information	No information	No information
CZ	No expiry date	5 years	5 years	10 years
DE	No expiry date	5 years	No expiry date	10 years
DK	No expiry date	5 years	No expiry date	10 years
EE	No information	No information	No information	No information
EL	5 years	5 years	10 years	10 years
ES	No expiry date	5 years	10 years	10 years
FI	No expiry date	5 years	No information	10 years
FR	Up to a maximum of five years ¹⁹⁸	5 years	No information	10 years
HU	5 years	5 years	Up to 10 years	10 years
IE	NA	5 years	No information	10 years
IT	No information	No information	No information	10 years
LT	5 years – or for the planned period of residence	1 year	No information	10 years
LU	No expiry date	5 years	No expiry date	10 years
LV	5 years	5 years	No expiry date	10 years
MT	No information	No information	No information	10 years
NL	No expiry date	5 years	10 years	10 years
PL	5 years	5 years	No information	10 years
PT	5 years	5 years	No information	10 years
RO	Not less than year – up to 5 years	5 years	10 years ¹⁹⁹	10 years
SE	No expiry date	5 years	No expiry date	10 years
SI	5 years	5 years	10 years	10 years
SK	5 years	5 years	10 years	10 years

¹⁹⁷ Registration certificate, the so called Annex 8: no expiry date

¹⁹⁸ http://circulaire.legifrance.gouv.fr/pdf/2011/04/cir_32884.pdf

¹⁹⁹ Except for the cards issued to persons aged up to 14 years, the validity of which is 5 years

MS	Registration certificate (can - depending on cases - be up to)	Residence card (TCN family members) – generally (or up to)	Permanent residence certificate	Permanent residence card (TCN family members)
UK	Not indicated	5 years	No expiry date	10 years

Source: online, author interviews and specimen

4 Ranking of Member States

4.1 Introduction

In line with the requirements set out in the ToR, the Study has mapped out the administrative burden for the citizens associated with the issuance of residence documents in all Member States. The mapping has covered the following four main categories – as a baseline for the ranking:

- **Information provision** – i.e. the extent to which information is adequately available, accessible and understandable for the EU citizens and their family members in order for them to understand their rights and to initiate the application process;
- **Preparation of the application** – i.e. documentation requirements for the application, language availability of the application form and ease of access to the application form;
- **Lodging of the application** - i.e. ease of access to the competent authority, time needed to get the application form and documentation reviewed for processing, flexibility of the competent authority in terms of acceptance of alternative appropriate means of proof and fees applied;
- **Time needed to obtain the residence documents** – in theory and in practice.

Based on the evaluation questions provided in the ToR these categories have been further broken down into a total of 21 sub-categories, which serve as assessment criteria applicable to all Member States. The results of the mapping are presented in country fiches available in Annex 1.

When considering the ranking the following aspects should be noted:

- Some Member States do not require EU citizens to register and apply for residence documents. This aspect has not been considered in the assessment criteria.
- In some Member States, information provision, lodging of applications and issuance of residence documents are decentralised and managed at regional and/or sub-regional level (notably ES, BE, DE and IT). When information provision is decentralised, it tends to be uneven across regions and cities. Likewise, systems for lodging applications and their processing time may vary within a Member State. Assessing these elements at Member State level is consequently more complicated. The study has taken as point of departure that the baseline for assessment is the level which is available to any incoming EU citizen irrespective of location within a given country²⁰⁰.
- The assessment and ranking are based on the data which has been made available to the study team. The quality and comprehensiveness of the data differ across Member States.
- Some sub-categories are not relevant to some Member States. In addition, in some cases, the information provided was inadequate to assess specific sub-categories. Consequently, a weighting system for each category has been applied, filtering out eventual missing data.
- The weighting of some sub-categories was adjusted (doubled or halved) depending on the impact on the application process, in order to reflect the extent to which they could represent a burden for EU citizens and their family members.
- The share of applications rejected has not been considered in the rating.
- The number of applications received per Member State (in total, or as a share of the population) has not been taken into account in the assessment.

²⁰⁰ For example, if postal application is available in some regions but not in others it has not been taken into account in the assessment. Likewise, if processing times are long in some regions, but short in other regions the longer processing times are basis for the assessment.

4.2 Category 1: Information provision

The category “Information provision” has been assessed using eight different sub-categories:

- Time needed to access main information sources about residence documents;
- Time needed to identify applications and requirements for documentation – and availability;
- Consistency of information provision (all sources provide the same information, there is a natural link from general to specific information);
- Quality and comprehensiveness of information related to EU citizens as regards rights and residence documents;
- Quality and comprehensiveness of information related to TCN family members of mobile EU citizens as regards rights and residence documents;
- Availability of different sources of information (web, print, hotline);
- Language availability of information; and
- Accessibility and quality of personalised information services.

Each of these sub-categories has been rated on a 1 to 5 scale, as presented in the country fiches, and summed up. Two categories have been given half weighting (time needed to identify applications and consistency of information provision). In order to ensure comparability, ratings have been re-calculated into a rating on a scale from 20 (minimum) to 100 (maximum). 60 points represent a “satisfactory” rating. In the case of information provision, 60 points also represent the average rating of the category.

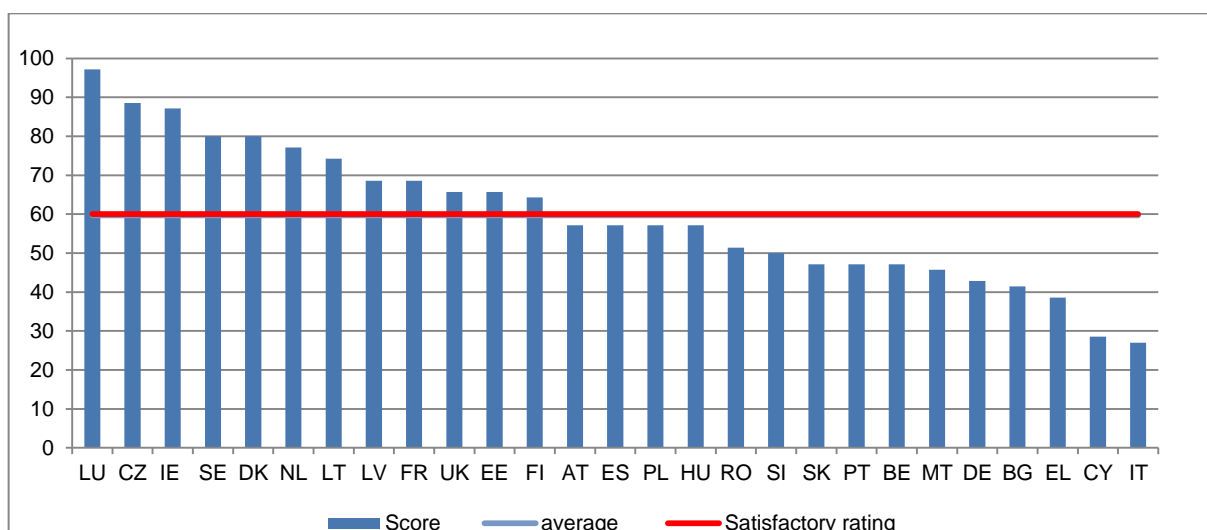
The results of ranking are presented in Figure 4.1. 12 Member States score above the satisfactory rating (CZ, DK, EE, FI, FR, IE, LT, LU, LV, NL, SE and the UK), whereas 15 Member States score below this satisfactory rating. Of these, four score just below the “satisfactory” rating (AT, ES, HU and PL).

Across countries, the lowest ratings are found in the sub-category “Accessibility and quality of personalised information services”, reflecting, as illustrated above, frequent issues with receiving timely and comprehensive replies to enquiries by email or telephone.

Member States that score substantially below the average and below the satisfactory rating (60 points), tend to score poorly in all (or most) categories (BE, BG, CY, DE, EL, IT, MT, PT and SK) as illustrated in the country Fiches annex 1 and in section 3.

The average and satisfactory rating is both 60. Therefore the “average” line is not visible.

Figure 4.1 Ranking of Member States: information provision



Source: ICF GHK calculations based on the assessment provided in the country fiches

4.3 Category 2: Preparation of the application

The category “Preparation of the application” has been assessed using four different sub-categories:

- Time needed to prepare the application and time needed to collect the needed documentation/supporting evidence;
- Language availability of the application;
- Supporting documentation requested by the hosting Member State to EU citizens; and
- Supporting documentation requested by the hosting Member State to TCN family members of EU citizens.

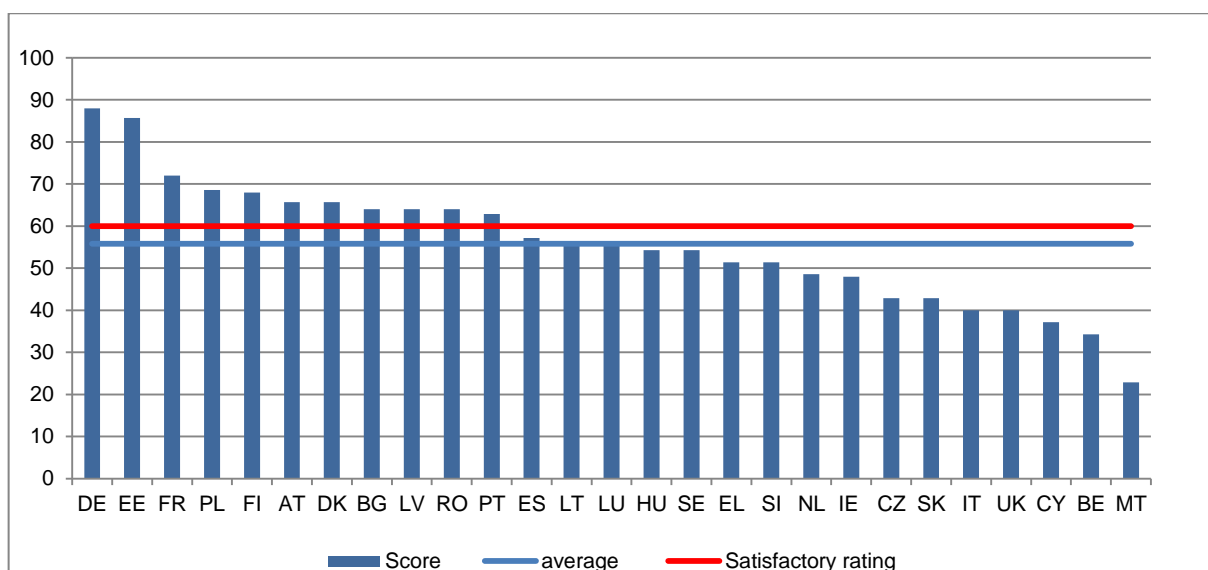
Each of these sub-categories has been rated on a 1 to 5 scale. The category “Language availability of the application” has been given half weighting. In order to ensure comparability, ratings have been recalculated into a rating on a scale from 20 (minimum) to 100 (maximum). 60 points represent an average “satisfactory” rating. The average rating across Member States is lower than the satisfactory rating.

The results of the ranking are presented in Figure 4.2. Only 11 Member States score above the “satisfactory” rating (AT, BG, DE, DK, EE, FI, FR, LV, PL, PT and RO). The scores for the remaining 16 Member States are presented below.

Nine Member States were not considered for the category “Time needed to prepare the application and time needed to collect the needed documentation/supporting evidence” as the information available was insufficient (BG, DE, FI, FR, IE, LT, LU, LV, RO and the UK). This is also the sub-category where the lowest ratings were given across Member States.

Member States that score substantially below the satisfactory rating (below 57 points) and below satisfactory (60 points) tend to score below average in all categories as well²⁰¹. Particularly low points are found in the category “Time needed to prepare the application” (BE, CY, IT and MT) as illustrated in the country Fiches annex 1 and in section 3.

Figure 4.2 Ranking of Member States: preparation of the application



Source: ICF GHK calculations based on the assessment provided in the country fiches

4.4 Category 3: Lodging of the application

The category “Lodging of the application” has been assessed using six different sub-categories:

²⁰¹ Besides, in some cases, language availability of the application.

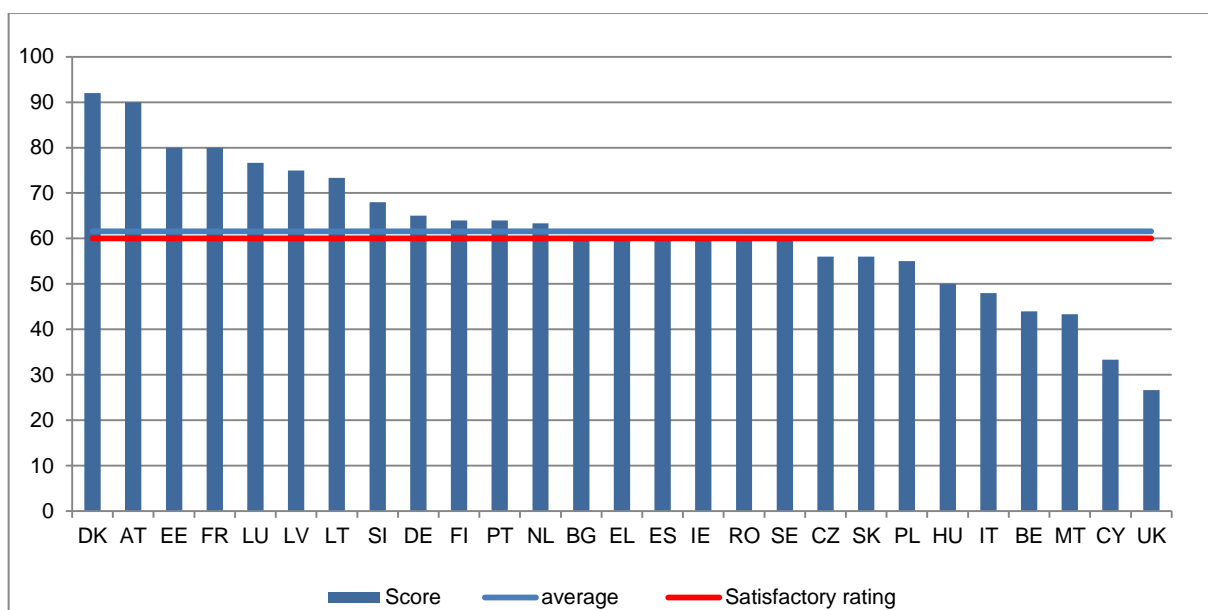
- Nature of the lodging system, ease of lodging and requirements for submitting original documents to the competent authority;
- Time needed to get an approval of the application for EU citizens;
- Time needed to get an approval of the application for TCN family members;
- Flexibility in terms of acceptance of alternative appropriate means of proof;
- Application fees; and
- Legal deadlines for applications.

Each of these sub-categories has been rated on a 1 to 5 scale. Weighting has not been used. 14 Member States have not been rated in the category “Time needed to get an approval of the application for family members” as data is not available (BE, BG, CZ, DE, DK, FR, HU, IE, IT, PL, PT, RO, SI and SK). Likewise, seven Member States have not been rated in the category “Time needed to get an approval of the application for EU citizens” (BG, DE, FI, FR, HU, IE, and PL). In order to ensure comparability, ratings have been recalculated into a rating on a scale from 20 (minimum) to 100 (maximum). 60 points represent an average “satisfactory” rating. The average rating across Member States is slightly higher than the satisfactory rating.

The results of ranking are presented in Figure 4.3. 18 Member States score at the “satisfactory” rating or above (AT, BG, DE, DK, EE, EL, ES, FI, FR, IE, LT, LU, LV, PT, NL, RO, SI, and SE).

Only four Member States score substantially below the satisfactory rating (below 60 points). These are BE, CY, MT and the UK, characterised by time consuming lodging of applications (BE, CY and MT), or requirements for postal lodging, including original documentation (UK).

Figure 4.3 Ranking of Member States: Lodging of the application



Source: ICF GHK calculations based on the assessment provided in the country fiches

4.5 Category 4: Issuance of residence documents

The category “Issuance of residence documents” has been assessed using three different sub-categories:

- Legal deadlines for issuance of residence documents
- Time needed from the successful lodging to effectively receiving the residence documents – EU citizens

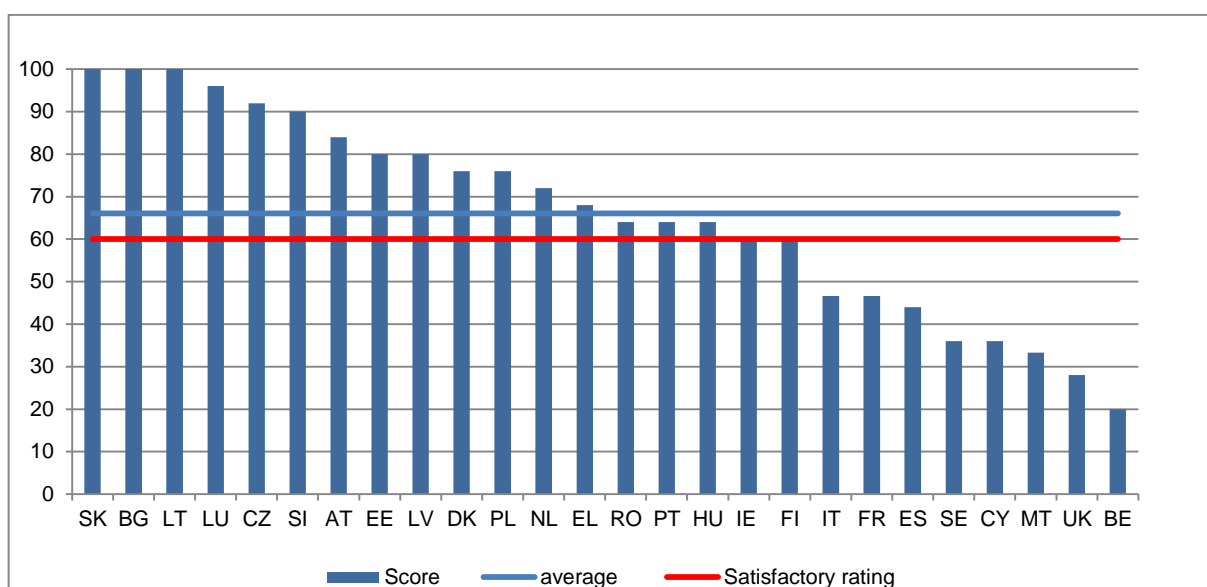
- Time needed from the successful lodging to effectively receiving the residence documents – TCN family members

Each of these sub-categories has been rated on a 1 to 5 scale. Weighting has been applied for the last two categories (Time needed to receive that residence documents – both sub-categories) giving these sub-categories double weight. However, data is often patchy on the time needed to actually receive such documents, and for several member States no data was available as regards third-country family members (BE, DE, FR, IT, LT and MT). Consequently several Member States are rated based only on two categories.

In a single case (DE), there is no data available for either category, so that DE is not taken into account in the context of the ranking. Also IE is not considered for EU citizens, as it does not issue registration certificates.

A clear majority of Member States score at the satisfactory level or above (AT, BG, CZ, DK, EE, EL, FI, HU, IE, LT, LU, LV, NL, PL, PT, RO, SI, and SK). Eight Member States score below (BE, CY, ES, FR, IT, MT, SE, and the UK). Several of these (BE, CY, MT, SE and the UK) score below 40 points – i.e. substantially below the satisfactory rating; they are all characterised by long delays in issuing residence documents.

Figure 4.4 Ranking of Member States: Issuance of residence documents



Source: ICF GHK calculations based on the assessment provided in the country fiches

5 Assessment of options

5.1 Introduction

In line with the requirements set out in the ToR, the study has identified and assessed specific options aimed at improving the practical delivery of residence documents. These options each cover the four aspects of the study: information provision, preparation of applications, lodging of applications and management and processing of applications.

5.1.1 Options considered in the framework of the assignment

The following options have been considered and assessed.

1. Establishing single points of contact within the administration to inform EU citizens about procedures and formalities when they settle in a new EU country and/or to assist them in this respect, e.g. lodging of applications, solving problems, etc.
2. Online lodging
3. Back office function at national level.
4. Facilitating cross-border communication and cooperation between competent authorities from different Member States – including through the use of an electronic tool to exchange information
5. Providing e-learning to authorities about free movements rules which apply to the processing of residence applications
6. Common formats for residence documents for EU citizens and
7. common formats for residence documents for TCN family members of EU citizens

In relation to the ‘single point of contact’ (option 1) the following sub-options were developed and considered:

- a. Single points of information online (mainly information related)
- b. Single points of contact within the administration (mainly related to information and assistance)

In relation to the option 6 ‘common format for residence documents for EU citizens’ the following sub-options options were developed and considered:

- a. Facultative uniform EU format for registration certificates (choice offered to EU citizens to obtain a uniform format or not):
- b. Mandatory uniform EU format for registration certificates, where applicable

5.1.2 Assessment approach

This section considers each option in turn. A structured approach to the assessment of the options has been used. The option assessment considers the following:

- Description of the option and conditions of success
- Rationale of the option
- Changes compared to the current situation
- Potential costs and eventual financial benefits (cost savings)
- Potential Strengths, Weakness, Opportunities and Threats (SWOT)

A comparative approach has been disregarded as the options are not generally mutually exclusive.

5.2 Assessment of Option 1: Establishing single points of contact

5.2.1 Assessment of Option 1a: Single points of information online

Option related to	Information provision
Description of the option (what would the option comprise) and condition of success	
<p>This option would comprise the development, where it is not already in place, of online web resources (website or sub-site) providing information to actual and potential mobile citizens in each Member State.</p> <p>The web resource would contain information about rights of residence for EU citizens and their family members; obligations regarding registration; competent authorities (and where these are located); application forms and documents to be provided (nature and requirements related to the documentation); eventual fees related to the application; lodging procedures; potential waiting times; validity of the residence documents and other useful information.</p> <p>The online web resource could be placed on an existing website or portal. In order to complement information provision, a national Question/Answer (Q/A) service would be provided.</p> <p>Conditions for success</p> <ul style="list-style-type: none"> ■ The web resource would provide comprehensive information covering all of the aspects presented above. It would cover the EU citizens and their (TCN) family members. ■ Attention would be given to ensuring the user-friendliness of the site; ■ Information on the web resource would systematically be provided in the language(s) of the country as well as in English, and possibly, at least partly, also in the language of one or more of the countries from which there are significant inflows of EU citizens; ■ Attention would be given to ensuring that the online resource can easily be found online, using key search words (Search engine optimisation); ■ A clear differentiation between “EU citizens and their TCN family members” and “other foreigners” would be ensured. Where two sources are available (one for EU citizens and their family members, and one for TCN not falling within the scope of Directive 2004/38) – both websites should flag this difference prominently. Mutual referencing should be ensured in these cases; ■ Where reporting presence or another form of registration with the public authorities is required, this would be presented on the web source (deadline for reporting/registration, relevant authorities and eventual documentation requirements etc.); ■ Competent authorities’ websites would systematically link to the national migration portal (resource links). Where information is provided by competent authorities own websites the information would be the same (ensuring consistency); ■ Websites of embassies would systematically link up to the relevant national sources. This would include two links: <ul style="list-style-type: none"> – Web-source of the Member State of the Embassy – Web-source of the Member State in which the embassy is located (provided that it is in an EU Member State). 	
Rationale of the option	
<p>Customer journey mapping results clearly suggest that citizens look for information at country level. Citizens will not look for information specifically on websites of the region or the city they move to, unless the information provided at national level is difficult to find or of poor quality. For this reason, there is benefit in having information points at national level -</p>	

which could also be entered through the Your Europe one stop shop portal.

Examples from certain countries show that concentrating information in one or two main sources contributes to making information uniform and transparent. It is therefore a practice to be promoted. Having multiple sources and scattered information has proven to be ineffective. The more information is provided by different actors, the more likely it is that information is not comprehensive and of poor quality.

Scattered information and multiple sources further increase the likelihood that citizens are led to “non-official”/private sources of information. It cannot be realistically expected that all or most mobile EU citizens speak the language of the Member State to which they move. Yet, it would imply significant costs if all EU languages were to be covered. As English currently may be considered lingua franca in the EU-28, there would be benefits in providing information at least in this language and possibly, at least partly, also in the language of one or more of the countries from which there are significant inflows of EU citizens.

For transparency and efficiency reasons, there are benefits associated with a single point of contact for information requests and clarification (Q/A) services. Such services should be provided online (email) and on the phone.

Single contact points have been set up for other fundamental freedoms conferred by EU law such as freedom of establishment and to provide services²⁰². It could be envisaged to use these as examples in the context of free movement of persons.

Changes compared to the current situation

Most Member States have some form of “one-stop shop” for online information. Some Member States have two or more main sources. In a few Member States, information is scattered over many websites.

For Member States without national web sources, changes would be qualitative in nature (developing content, improving language availability, presentation of information, search engine optimisation and resource links).

Some Member States already have comprehensive, multilingual and high-quality national web sources in place, and limited or no improvement would be necessary compared to the current situation. Depending on the Member State, improvements could relate to information on requirements for reporting presence or other forms of registration with the public authorities; search engine optimisation and/or resource linking.

Web sources in some Member States are scattered, without clear national entry points for comprehensive information. In these cases national web sources would need to be developed (or where available substantially improved).

In addition to country specific changes, there will be a need to ensure that information provided online by authorities at local and regional level is consistent with information provided on the national-level portal.

Most Member States provide some sort of email and/or telephone service. The quality of the service however differs quite significantly. In some cases there is a need to improve service delivery.

Potential costs and eventual financial benefits (cost savings)

This option will have transitional costs, relating to quality improvements and in some cases development of national-level portals.

²⁰² For instance, as regards the freedom to provide services, the national administrations of all EU countries have set up e-government portals as points of single contact. They may be used by service providers to:

- obtain detailed information on the entrepreneurship abroad or in their country of origin;
- carry out administrative formalities on-line concerning creating an undertaking;
- carry out administrative formalities on-line concerning the provision of cross-border services.

<p>However, if resources allocated to information provision are concentrated at one level, it should lead to efficacy gains for the public administration, as better quality and more comprehensive information should result in reducing:</p> <ul style="list-style-type: none"> ■ The number of incomplete or incorrect applications ■ Requests for information and assistance by applicants to the competent authorities 	
SWOT	
Strengths	Weaknesses
<p>Better quality of information and uniform information</p> <p>Easier to understand for the citizen (in terms of quality and languages).</p> <p>Easier to find for citizens looking for information (time savings)</p> <p>Fewer issues with inconsistent information from public authorities.</p> <p>Total <u>national</u> costs associated with information provision may decrease thanks to concentration of resources associated with information provision.</p> <p>Fewer questions and basic information requests thanks to more comprehensive information.</p>	<p>Countries may consider that information provision related to the directive should be provided at sub-national level (in particular regionalised countries, or countries where the Competent authority is local). Consequently they may be reluctant to implement this option.</p> <p>Member States may consider that only information provided in language of the country should be made available (mentioned by some Member States) or resources may not be available to ensure translation.</p>
Opportunities	Threats
<p>Facilitating the preparation of applications and preparation of supporting documentation (clear what is to be provided).</p> <p>Efficiency gains to citizens (less visits to the competent authority)</p> <p>Better quality and more comprehensive information would lead to fewer incomplete and/or incorrect applications, and fewer contacts between the competent authorities and the applicant and consequently to efficiency gains to public authorities</p> <p>Fewer issues with unofficial information and/or sources providing incorrect information.</p> <p>Competent authorities' websites could systematically link to the Your Europe portal</p>	<p>Local and regional sources continue to provide information which is not comprehensive (and not consistent) with information provided by the national web source.</p> <p>National web source is not adequately promoted (inadequate resource links and no search engine optimisation) – making it difficult to find.</p>

5.2.2 Assessment of Option 1b: Single points of contact for lodging, information and assistance

Option related to	Lodging, information and assistance
Description of the option (what would the option comprise) and condition of success	
<p>This option would establish single points of contact within the administration to inform EU citizens about procedures and formalities when they settle in a new EU country and/or to assist them in this respect, e.g. lodging of applications, solving problems, etc.</p> <p>The single point of contact would also cover other forms of reporting presence/registration with the public authorities. This option would not imply that competent authorities would change. Rather, the different authorities responsible for registration (EU citizens, their TCN family members and eventual “additional registration”) would be presented as a single service, located in one place.</p> <p>Additional services could further be provided by the service centre, including information and guidance on aspects such as healthcare insurance, tax, job opportunities, training and education, day care, language courses and accommodation.</p> <p>Conditions for success</p> <ul style="list-style-type: none"> ■ Residence registration under Directive 2004/38 and other forms of reporting presence/registration required with the public authorities would be covered (EU citizens and their TCN family members), allowing citizens to turn to a single physical point of contact. ■ Where “welcoming” services are available within a given territory these would be organised and located together with the single point of contact. ■ Duplication of information efforts with online information would be avoided (should not simply be an information service but a guidance and assistance service). ■ The single point of contact would be physical, organised conveniently for citizens to access. ■ Ideally, the option would only be put in place in larger cities, and in regions with large influx of EU citizens (due to potential low use in other territories). 	
Rationale of the option	
<p>According to the public consultation “EU citizens, your rights, your future” carried out by the Commission, EU citizens residing in other Member States regularly encounter lodging difficulties. Among the citizens surveyed having resided in other Member States 27% indicated that they had experienced problems and 19% specially mentioned that they had encountered difficulties in administrative procedures when applying for residence documents.</p> <p>Of those having experienced problems 66% indicated that they had issues with lengthy or unclear administrative procedures. Data collected in the framework of this study also indicates that there are regular issues with lengthy lodging procedures.</p> <p>Member States have the choice to appoint the most appropriate competent authorities. In some countries however, there are different competent authorities for EU citizens and for their TCN family members. This implies that families with TCN members are to visit and lodge applications in different places. Furthermore, in several Member States other forms of reporting/registration with the public authorities are required, implying mostly visits to more than one institution and consequently a higher administrative burden for applicants.</p> <p>Further to registration with the public authorities citizens may look for information and guidance on aspects such as healthcare insurance, job opportunities, training and education – which in turn may imply contacts to additional public or semi-public services and authorities.</p>	

<p>Allowing all EU citizens and family members to lodge their applications and register with other authorities and/or services in a single location would cut red tape. Furthermore, guidance on other aspects related to moving and living in another country would facilitate their integration and reduce frustrations.</p>	
<p><i>Changes compared to the current situation</i></p>	
<p>Different options could be envisaged for implementation.</p> <p>Option involving registration with the public authorities only</p> <p>This option would only imply changes in some countries – and would regard:</p> <ul style="list-style-type: none"> ■ Member States which have a different competent authority for EU citizens on the one hand and another for their TCN family members ■ Member States which require other forms of reporting/registration with the public authorities (beyond registration for residence documents) <p>Changes would not be necessary in other countries. Also, Denmark already has a system in place providing this service. Changes would therefore not be required in this case.</p> <p>Options involving “welcoming services”</p> <p>In the event that “welcoming services” would be added to the option, new physical set ups would be necessary (all countries but Denmark, where such services exist). For efficiency reasons, the option would work best in larger cities and in regions with a large influx of EU citizens.</p>	
<p><i>Potential costs and eventual financial benefits (cost savings)</i></p>	
<p>In Member States where changes would be necessary, the rolling out of the option would have some financial costs relating to space to provide services, staff to be located in a different place, files to be moved etc.</p> <p>The option would have different costs depending on the country and on the scale of roll out. Costs would be much more moderate if implemented only in large cities, and in regions with large influx of EU citizens.</p> <p>The option is not likely to provide any cost savings, although some economies of scale may occur if Member States would be able to avoid duplication and provide more efficient and less scattered services.</p>	
<p><i>SWOT</i></p>	
<p><i>Strengths</i></p> <ul style="list-style-type: none"> ■ Ease of lodging of applications in Member States which have separate competent authorities for EU citizens and TCN family members and in Member States which require other forms of reporting/registration with the public authorities. ■ One service to follow the citizens' file. Reduces frustrations and increases efficiency. ■ No requirements for changes to administrative responsibilities. ■ The option can foster synergies and coordination between different services and authorities which currently may or may not work together 	<p><i>Weakness</i></p> <ul style="list-style-type: none"> ■ The setup of a service centre function would, for efficiency reasons, need to be limited to territories with large influx of EU nationals. Consequently such a service would not benefit all relocating EU citizens. ■ Costs can be expected in relation to implementation (space to provide services, staff to locate in a different place, files to be moved etc.) ■ The option will work best in countries where the competent authority is <u>not</u> a local authority (e.g. in countries where the competent authority is a decentralised state authority). If there are many competent authorities within a small territory (e.g. several municipalities in one city) the option may be difficult to

	<p>implement due to the requirement of presence of many local institutions.</p> <ul style="list-style-type: none"> ■ This option would require a change of the current system in IE and the UK, where all residence registration is currently only done by post (without physical access) and with one centralised competent authority only.
Opportunities	Threats
<ul style="list-style-type: none"> ■ The option would also facilitate communication, between relevant services (including SOLVIT), within a Member State. ■ Potential to provide a full “welcome service” to incoming citizens. 	<ul style="list-style-type: none"> ■ May only be provided to some privileged EU citizens (as it is currently the case in NL, where such a service is only provided to highly-skilled migrants (EU or not)). ■ May lead to higher application fees²⁰³

5.3 Assessment of Option 2: online lodging

Option related to	Lodging
Description of the option (what would the option comprise) and condition of success	
<p>The option would allow citizens to lodge their applications online, rather than being required to visit the competent authority.</p> <p>Conditions for success</p> <p>In order to ensure equal treatment of applicants, physical and/or post lodging should remain possible, considering that not all applicants will have internet access. Also, a telephone and/or email contact would be needed in case of enquiries about the application.</p> <p>Likewise, citizens should have the option to prove their identity “face to face” once the application is processed, in order to avoid sending identity documents by mail.</p>	
Rationale of the option	
<p>According to the public consultation “EU citizens, Your rights, your future”, EU citizens residing in other Member States regularly encounter lodging issues. Among the citizens surveyed having resided or residing in other Member States, many (27%) indicated that they had experienced problems. Among these 66% reported that they had issues with lengthy or unclear administrative procedures</p> <p>Survey data from this study suggests that issues often occur at the lodging stage, with unnecessarily long waiting times, and requirements to visit at several occasions the competent authority.</p> <p>If applications were lodged online it would imply time gains for EU citizens and their family members, as it would not be necessary to visit the competent authority to lodge the</p>	

²⁰³ It is currently the case in the NL, where the use of the Expat centre and its options for single registration implies higher fees, See the country fiche, and also <http://www.iamsterdam.com/en-GB/living/Expatcenter/expatcenter-services/the-expatcenter-procedure>

application. Also, where documentary evidence is needed, it can efficiently be provided online.	
<i>Changes compared to the current situation</i>	
Countries which currently do not allow online application would have to develop a system allowing online application. The system would possibly imply the development of a secure system for lodging.	
<i>Potential costs and eventual financial benefits (cost savings)</i>	
<p>The option will imply costs, relating to the development of an online system for lodging. If a simple format of email lodging would be deemed sufficient (as for example currently in the Danish case) such cost would be minimal.</p> <p>There could be efficiency gains and cost savings associated with the diminished use of face-to-face lodging. From an administrative point of view, lodging in person requires staff to give information and receive and register application. Likewise, where “checks” are undertaken on applicants the files could easily be forwarded to the relevant institution, also implying efficiency gains.</p> <p>Countries which currently allow online lodging or email lodging experience different benefits with email lodging:</p> <ul style="list-style-type: none"> ■ SE authorities report (as outlined in practice 19 that online applications are much quicker to process. Hence, they experience administrative efficiency gains from an online registration procedure (less incomplete applications are lodged, more efficient processes to receive additional documentation) ■ Data from DK does not suggest that there are efficiency benefits from email lodging. In contrast the DK system aims to facilitate mobility by providing employers and recruitment companies with an opportunity to assist on (and facilitate) registration. ■ 	
<i>SWOT</i>	
<i>Strengths</i>	<i>Weakness</i>
<ul style="list-style-type: none"> ■ Easy registration system and efficiency gains and benefits for the citizen. ■ Efficiency gains for the competent authority (less staff needed to physically receive and register applications), 	<ul style="list-style-type: none"> ■ Staff still needed at the competent authority and visits to the competent authority cannot be avoided. Visits would be necessary to prove identity, and in some cases also to present original documentation. ■ Some countries are likely to require original documentation in order to process the application, making online applications difficult/impossible. ■ Online application may prove more difficult to implement when the competent authorities are local ones because it will be necessary to distribute the applications amongst them and/or there may be multiple users of the online system). ■ Some countries may require that the applicants first visit the competent authority to prove their identity before processing the application for the residence documents. (..

Opportunities	Threats
<ul style="list-style-type: none"> ■ Potential for faster treatment of applications due to electronic management of applications (cf. experience of Sweden) ■ The system can be tested for certain categories – for example for employees only – before full roll out to all citizen groups. 	<ul style="list-style-type: none"> ■ Full opportunities of online application not exploited. Citizens may still need to visit the competent authority to ensure effective processing of applications, seek assistance or to receive the certificate proving application (of particular importance for TCNs). ■ Options for other forms of lodging may become increasingly inaccessible, so as to channel applicants to use online registration. ■ Citizens calling to check on their file might have different interlocutors every time and would need to re-explain their case, which can lead to frustrations and loss of time.

5.4 Assessment of Option 3: Back office function within the Ministry

Option related to	Processing of applications
Description of the option (what would the option comprise) and condition of success	
<p>The option would encourage the responsible Ministry of each Member State to provide guidance and support when needed to competent authorities on processing of applications, including on individual cases.</p> <p>Condition for success:</p> <ul style="list-style-type: none"> ■ Adequate resources available for the “back office” 	
Rationale of the option	
<p>The rationale for recommending Member States to ensure that guidance and support is provided to competent authorities is in principle strong.</p> <p>However, while considered very useful, in fact, guidance and support to case handlers is currently already provided in countries which have decentralised competent authorities.</p> <p>According to the stakeholders consulted, “back office functions” are already in place in AT, BE, DE, DK, EE, ES, EL, FI, FR, HU, IT, LT, LU, NL, PL, PT, RO, SE and SI – covering typically training and guidance activities. In other cases applications are managed by a single institution (UK, IE, MT and CZ).</p> <p>The extent to which such support is available in BG, CY, LV and SK is not known (no replies provided²⁰⁴).</p> <p>As “back office” functions are in place already in most countries, a general recommendation to set up such a function would not reflect Member States’ needs. In contrast, there could be benefits in sharing experiences of Member States’ support systems in place and their relative merits.</p>	

²⁰⁴ BG, CY, LV and SK were consulted – but in writing only and they did not comment on this issue. IT has not responded to requests for interviews

Changes compared to the current situation	
None	
Potential costs and eventual financial benefits (cost savings)	
None (as already in place)	
SWOT	
Strengths	Weakness
None (as already in place)	None (as already in place)
Opportunities	Threats
None (as already in place)	None (as already in place)

5.5 Assessment of Option 4: Facilitating cross-border communication between competent Authorities, including by using an electronic tool

Option related to	Processing of applications
Description of the option (what would the option comprise) and conditions of success	
<p>Given the administrative burden that the requirements for certification of documents originating in other Member States represent for applicants, it could be envisaged to facilitate cross-border communication and cooperation between competent authorities from different Member States. Such cooperation would be operational and could consist notably in exchange of information on specific applications, in particular for the purpose of 'informal' certification of documents issued in another Member State.</p> <p>For this purpose, an electronic tool could be put in use. The Internal Market Information system²⁰⁵ (IMI) could be an appropriate tool to support such exchange of information. The IMI is a secure online application that allows national, regional and local authorities to communicate quickly and easily with their counterparts within the EU. The IMI helps users to find the right authority to contact in another country and to communicate with them using pre-translated sets of standard questions and answers. IMI is accessible via the internet. The use of the IMI would allow competent authorities to work in their own language.</p> <p>Conditions for success</p> <ul style="list-style-type: none"> ■ Cross-border communication and cooperation between competent authorities would be supported by an electronic tool for secured exchanges of information between competent authorities –the IMI could be used for this purpose. ■ In the event that the IMI would be used, liaison points would need to be appointed. Possibly also national coordinators or Delegated National coordinators (distinct from the current national coordinators²⁰⁶) would need to be appointed (as the national coordinators for the IMI are from the ministries of trade/enterprise and commerce). ■ Depending on the scope of the IMI some additional translation functionality would possibly be required ■ Ensuring adequate awareness of the IMI tool among decentralised authorities would be important as well as adequate training in using the tool²⁰⁷ 	

²⁰⁵ http://ec.europa.eu/internal_market/imi-net/about_en.html

²⁰⁶ http://ec.europa.eu/internal_market/imi-net/contact_en.html

²⁰⁷ Training is considered important for effective use of the IMI and the results of a survey conducted in 2012 suggest that there is need to increase substantially increase training provided at national level See

- National buy in and commitment is ensured (set up of National Coordinators/Delegated National coordinators²⁰⁸, set up of liaison points²⁰⁹ and enrolment of national contact points/competent authorities²¹⁰ in the system for effective operation.

Rationale of the option

Member States may require that documents be translated, notarised or legalised where the national authority concerned cannot understand the language in which the particular document is written, or has a suspicion about the authenticity of the issuing authority. When certification, validation and/or translation of documents are required, they represent a significant burden to the citizen.

This option would encourage the competent authorities of Member States to consult other Member States on the validity of specific documentation provided by an applicant or collect other information relative to an application. In cases where a country receives documentation issued by another Member State in a language which is not understood, such documentation could be verified by the issuing Member State through the electronic tool, rather than requesting translations, or certification of documents.

Consequently, the cross border cooperation could lead to less administrative burden for the citizen.

Also for the competent authority it could imply quicker verification of documents, and consequently speed up the processing of applications. Judging by the user feedback on the IMI the tool is easy to use – and allows easily and relatively quickly²¹¹ to consult other Member States on the validity of documents²¹².

Likewise it could be envisaged that certain pieces of information on the applicant (e.g. information on prior residence of de facto partners) could be collected through the electronic tool – rather than requesting it from the individual citizen. In this case however, it may be anticipated that the applicant will need to approve this data collection. Finally it could be envisaged that standard examples of specific types of supporting documents could be provided on request.

Currently Member States have few contacts with their counterparts in other Member States regarding the authenticity of supporting documents. While a few Member States appear to consult one another, the use of a secured electronic exchange tool could facilitate access and hence incite more Member States to use this easier means to exchange information.

http://ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/internal_market_information_system/index_en.htm

²⁰⁸ The National IMI Coordinator (NIMIC) has to oversee the overall deployment and smooth running of IMI at national level, including identification, registration and training of IMI competent authorities. The Delegated IMI Coordinator (DIMIC) is responsible for the smooth running of IMI in one or more legislative area(s) in a geographical region or in relation to a particular area of competence within a legislative area

²⁰⁹ Liaison points are set up for specific Directives. The "liaison points" can be contacted in the event of difficulties, for instance if assistance is required to identify the right competent authority.

²¹⁰ The "competent authority" (CA) generally refers to all entities registered in IMI irrespective of their role in the system. Competent authorities are public or private bodies to which Member States have given competence for carrying out certain functions related to the application of internal market legislation. They may be operating at national, regional or local level. In the specific context of authority data management, the term "competent authority" designates a type of authority which can send and respond to information requests, but which, unlike IMI coordinators, cannot register or validate other authorities in IMI

²¹¹ If data on response rates of themes covered by IMI is considered it may be seen that the average response speed differ quite significantly (between 57 and 8 days for EU countries). 10 countries respond on average within 15 days – the remaining countries respond in more than 15 days.

²¹² See A Report on the IMI at http://ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/internal_market_information_system/index_en.htm

Changes compared to the current situation

Some adaptation of the IMI would most likely be needed. It will need to be investigated if the National coordinators – which are located mostly in Ministries of Trade, Economy and Enterprise related Ministries²¹³ - would also play the role as national coordinators if the IMI was to cover residence documents. If these current national coordinators would not take up this role dedicated IMI coordinators or “Delegated IMI coordinators” for residence would need to be appointed²¹⁴. In addition, liaison points responsive for residence documents would need to be appointed for the IMI²¹⁵.

Furthermore, national competent authorities responsible for responding to enquiries would have to be designated. This could be the competent authority for the issuance of residence documents (where centralised) – or, one or more designated authorities (responsible for issuing the documents which could subject to enquires).

Competent authorities would need to register with the system and they would need training. Resources would need to be allocated accordingly.

Moreover, the need and scope for such facilitation of cross-border communication will have to be examined in the light of the effects of the eventual adoption of the Commission Proposal for a Regulation on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012²¹⁶ which aims at removing the obstacles to cross-border use and acceptance of public documents²¹⁷. The present study has not assessed Option 4 in light of the implications of the eventual adoption of this proposal. The need and scope for further facilitating cross-border communication between authorities will need to be assessed in particular taking into account whether there are documents which are not covered by the Regulation, once adopted.

Potential costs and eventual financial benefits (cost savings)

There would be costs to each Member State associated with the different designated contact points and to address enquiries.

The cost -saving potential is mainly for the EU citizens (fewer/no requirements for translated and certified documents).

SWOT

Strengths

- Facilitates exchanges between competent authorities of information on applicants or the documentation they provide, and consequently checks.
- Could help with preventing cases of

Weakness

- There are currently relatively few problems linked to supporting documents from EU nationals. Issues with documentation and verification of the documentation mainly relate to applications from TCN family members.

²¹³ http://ec.europa.eu/internal_market/imi-net/contact_en.html

²¹⁴ The role of the National IMI Coordinator (NIMIC) is to oversee the overall deployment and smooth running of IMI at national level, including identification, registration and training of IMI competent authorities.

²¹⁵ The "liaison points" can be contacted in the event of difficulties, for instance if assistance is required to identify the right competent authority

²¹⁶ Proposal of 24 April 2013

²¹⁷ In particular, it provides for abolishing formalities such as legalisation and Apostille; ensuring the acceptance of certified copies instead of the original documents or of non-certified copies with the original document; ensuring the acceptance of non-certified translations of public documents issued by other Member States; providing for optional multilingual EU standard forms, and providing for strengthened administrative cooperation between MS to help fight against fraud (e.g. contacts between issuing and receiving authorities through the Internal Market Information System (IMI)). If this proposal is adopted, it would significantly relieve the related administrative burden for mobile EU citizens and accordingly reduce the need for exchanges between competent authorities on the documents they submit.

<p>fraud.</p> <ul style="list-style-type: none"> ■ Could improve operational cooperation between Member States. ■ The idea is considered interesting and potentially (very) useful by a number of Member States (BE, CY, EE, EL, ES, FI, LT, LU, NL, RO, SE, SI²¹⁸). ■ If the IMI would be used, set up costs are likely to be minor 	<p>The enhanced cross-border communication may not be able to cover this issue (or only to the extent that the TCN was legally residing in another MS).</p> <ul style="list-style-type: none"> ■ Existing judicial and police cooperation already allows Member States to communicate information on criminal records and public order issues (ECRIS). Likewise some Member States report that they use the SIS. ■ Some Member States question the potential usefulness of enhanced cross-border communication (AT, DE, IE, PL and DK). Of these countries: <ul style="list-style-type: none"> - DK generally does not seek to verify the legality of the documents provided by EU citizens – and consequently did not consider this useful. - IE does not issue registration certificates for EU citizens, so it would not be relevant in this context - PL²¹⁹ indicates that there are very few problems with documents issued by other EU members States – and consequently there is no need to exchange on such documents. - The AT Ministry of Interior did not consider that there was a need for exchange on documentation²²⁰ - The DE Ministry of Interior did not consider exchange of information on Documentation from EU countries useful given that registration of EU citizens has been abolished. ■ The added value is also likely to be limited to the UK, which have relatively few EU citizens' applications and reports few issues with the documents provided and currently few contacts with other authorities²²¹.
Opportunities	Threats
<ul style="list-style-type: none"> ■ Potential to eliminate additional 	<ul style="list-style-type: none"> ■ There is a gradual development towards

²¹⁸ SK, PT, MT, LV, BG, CZ, HU and FR did not express an opinion whereas it was not possible to interview IT and MT.

²¹⁹ Migration Authority, Office for Foreigners

²²⁰ However the Competent Authority interviewed considered that there would be benefit to exchange on the validity of documents provided.

²²¹ The UK authorities stressed the importance of a exchanges by competent authorities on related fraudulent practices and other problematic cases (and on how to deal with these cases) – for which a network already exists in the framework of the FREEMO expert group (Commission-led group of national experts sharing information and good practices on issues related to the implementation of Directive 2004/38).

<p>requirements of certification and translation for EU citizens.</p> <ul style="list-style-type: none"> ■ Potential to limit documentation requirements, and certification, validation and/or translation of documents for TCN family members moving from one Member State to another. ■ May improve processing speed of some applications. Notably it may impact on processing of applications from TCNs family members who have already lived in another Member State. ■ Could encourage the exchange of good practices. ■ The potential for cooperation could extend to verification of validity other documents (ID/travel) with additional benefits for the Member States and the citizens. 	<p>facultative registration of EU citizens. If this development continues the network will gradually loose its relevance.</p> <ul style="list-style-type: none"> ■ If the contact points do not operate effectively (low levels of responses or slow responses from national contact points) it may slow down processing speed. Data from IMI suggests that there is significant variation in the response rate. If data on professional qualification documentation exchange is considered – the average response speeds differ between 37 and 2 days for EU countries. 13 countries respond on average within 15 days – the remaining countries respond in more than 15 days. If all topics covered by the IMI are considered, only 10 countries have an average response rate of 15 days or below²²²
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5.6 Assessment of Option 5: E-training tool

Option related to	Processing of applications
<p>Description of the option (what would the option comprise) and condition of success</p> <p>This option would comprise the development at EU level of an e-training tool targeted at competent authorities (and eventually also other authorities), to assist them to fully comprehend and correctly implement in practice EU free movement rules, starting with those applicable to the processing of applications for residence documents. This e-training tool would be developed at EU level and be adjusted at national level with country specific information.</p> <p>Conditions for success:</p> <ul style="list-style-type: none"> ■ Common basis developed at EU level and adjusted to the Member States' national contexts; ■ Would cover legislation and case law; ■ Would be translated into all official languages; ■ The tool would provide high-quality and operational training ■ If the tool is to be developed at national level, national commitment and allocation of adequate resources are necessary. 	
<p>Rationale of the option</p> <p>The rationale for a single training tool would be that of ensuring a correct and uniform application of EU rules on free movement across the EU. Wherever in the EU they present themselves, EU citizens should be met by front desk officials who have a solid knowledge of their rights and of the conditions and procedures to give effect to them.</p>	

²²² See

http://ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/internal_market_information_system/index_en.htm

According to the public consultation “EU citizens, Your rights, your future”, EU citizens residing in other Member States in some cases encounter issues with the local administrations due to low awareness of EU citizens rights. As presented above 27% of the respondents having resided above indicated that they had encountered administrative problems. Of these, about half (49%) indicated that such issues were due to unawareness of national officials and staff in local administrations about EU citizens’ rights.

. Providing common training to all competent authorities and staff working on these issues would allow these to fully comprehend and give effect to the free movement rights of EU citizens.

The data collected in the framework of the study (citizens’ cases, survey results and interviews with NGOs and stakeholders) also suggests that there are issues with awareness of EU citizens’ free movement rights. However, data would also suggest that such issues are very uneven across Member States (significant issues were flagged in the cases of CY, MT, ES, IT and HU).

On the other hand, authorities interviewed in most Member States considered that competent authorities are knowledgeable about the Directive. Some also indicated that there was training in place (AT, BE, FR, UK, PL, DK and HU) and others indicated that there is guidance in place for the competent authorities (DE, DK, ES EL, ES, FR, LV, NL, PL, PT and UK). Consequently the perception of the potential usefulness of an online tool differs across Members. Generally, however, most Member States highlight that any training would need a high level of adaptation, as it would need to reflect the national implementing legislation as well as national administrative practices.

Changes compared to the current situation

An online training tool would need to be developed, tailored to national situations. Once developed, it would be part of the training provided to competent authorities in all Member States.

Potential costs and eventual financial benefits (cost savings)

There would be costs related to the development and set up of the training tool and for setting up tailor-made versions for each Member State. Costs would cover the development of content, IT development and translation (24 languages).

As the Commission would fund the development of the tool there would be no direct costs for Member States associated to the development of the tool. However, resources should be allocated to support the development of the tool.

The use of the e-training tool as part of the training provided to competent authorities could relieve Member States of part of the related costs they currently incur.

SWOT

Strengths

- Uniform and operational training service offered in all Member States.
- Online services are accessible at any time.
- Less costly than personalised training courses in all Member States. The training could be provided to all officials working on treatment of applications; this could be of particular benefit in Member States where the competent authorities

Weaknesses

- Different terminologies and practices in Member States have to be taken into account in order to adapt the training tool to the different Member States.
- Training tool has to be developed in all languages.
- Little interest in a common e-training tool (tailored or non-tailored) expressed by Ministries in some countries (AT, LT, FR, NL, PL, SI and UK). Also, BE and ES did

<p>are local ones.</p> <ul style="list-style-type: none"> ■ Some Member States request more information on CJEU case law. An EU-level training programme could include explanations about the implications of CJEU judgments regarding free movement. ■ Some Member States express interest in a national-tailored e-training tool (CY, LU, EE, FI, HU, IT LV, RO, SE SK²²³ and EL²²⁴). DK and IE authorities also expressed some interest – but only in an EU developed tool with focus on interpretation of CJEU judgment regarding free movement (whilst they did not consider useful a national-tailored tool). 	<p>not express any interest in a common EU tool.²²⁵</p>
<p>Opportunities</p>	<p>Threats</p>
<ul style="list-style-type: none"> ■ Could ensure uniform understanding and knowledge of the Directive among competent authorities across Member States – and thereby contribute to ensuring a more consistent correct application of its rules and procedures for the benefit of EU citizens and their family members throughout the EU ■ Could build on training practices already in place at national level ■ The training tool could be extended to cover other areas of application of EU free movement rules beyond the processing of applications for residence documents. It could thus be used for the training not only of front office staff but also of other authorities tasked with giving effect to mobile EU citizens' rights (for instance competent to assess their applications for social assistance) 	<ul style="list-style-type: none"> ■ There is a risk of duplication. Training and guidance already in place in many countries for competent authorities (provided by national ministries). The tool will have added value only if it goes beyond the training and guidance already in place for competent authorities at national level. ■ Efforts required by Member States to input into the development of tailored training may be considered as disproportionate to potential usefulness of a tool. Consequently the needed inputs may not be provided.

²²³ Provided the national part of the training tool would be funded by the EU.

²²⁴ PT, BG, CZ, DE and RO did not express any opinion. MT and IT (for EU citizens) has to date declined participation.

²²⁵ But some interest in a purely national e-training tool.

5.7 Assessment of Option 6: common format for residence documents for EU citizens

5.7.1 Sub- option 6.1 Facultative uniform EU format for registration certificates (choice offered to EU citizens to obtain a uniform format or not)

Description of the option (what would the option comprise) and conditions for success

A common format for registration certificates for EU citizens would be implemented under this option. All Member States **which currently issue registration certificates** would be required to provide the **opportunity** to EU citizens to apply for the common secure format for registration certificates. However, Member States could also offer to issue a national format for registration certificates (as currently the case).

The national format would be the one already in place in the Member States (being it in paper or (e) card format - which currently are provided as follows²²⁶:

- Paper or sticker for the registration certificate: CY (with a photo), CZ, DK, DE, ES, FI, FR, IT, LT, LU, NL, PT, RO, SE,
- Card: EL (a card, but a paper based one), HU, PL, SI and UK
- Choice of paper and plastic card: AT, BE, LV, SK (SK cards: subject to the strict proof of residence)

The uniform secure format would take the form of a card with uniform features at the EU level, including biometrics.

Consequently, when applying for registration certificates, EU citizens would be given the possibility to obtain one either in a "simple" form or in a uniform secure format.

Conditions for success

- The format would include biometric and electronic features which would allow for an easy identification of the holder;
- The price difference between the EU format and national formats should not be pronounced, so as not to discourage EU citizens to opt for the uniform card;
- National authorities would adequately inform EU citizens of their possibility to choose (through their websites and also at the time of applying) between a "national" format and a common "EU" format;
- The common format would allow Member States to add personal identification numbers, issued to residents of that country.

Rationale of the option

The public consultation "EU citizens, Your rights, your future", suggests that many EU citizens encounter problems with moving to or living in an EU country different from their own (27% of those having moved reported problems). One of the issues encountered relates to the nature of the registration certificates issued. As outlined above several Member States issue registration certificates in a paper format. In other cases, they are issued in a card format, but which is not necessarily secured - or even containing a photo. Consequently, they turn out to be difficult to use as they are not always accepted as documents proving the identity of the EU citizens (in particular by private entities such as banks, companies, etc.). Also, they cannot, as a general rule, be used as travel documents within the EU.

EU citizens who hold identity cards issued in their own country often cannot rely on them in their transactions in other EU countries. Private companies feel uneasy accepting 'foreign' documents as proof of identity since the format of such documents, unlike passports, is not harmonised at EU level. Also EU citizens living in another EU country are in some cases

²²⁶ No information available for EE and BG. IE: no residence certificate

<p>confronted with difficulties when they need to obtain or renew ID cards or passports to travel within the EU at short notice, in particular when the nearest consulate is in another country. A registration certificate in a common secure format which could be used as travel document would bring a solution in such cases.</p> <p>Allowing EU citizens to choose between a national or common EU format would have several advantages. The common secure format could be used as ID within the country, but also as a travel document. Citizens would, however, also be able to choose a national format, which eventually would be cheaper, and/or have specific benefits in the country of residence (e.g. e-card features).</p>	
<p><i>Changes compared to the current situation</i></p> <p>Member States issuing registration certificates would be obliged by EU rules to also issue them in a common format allowing EU citizens to choose between a uniform and secure format and the existing one for registration certificates.</p> <p>It is anticipated that the uniform format would be different from the format which is currently issued under Directive Regulation 380/2008 so as to ensure differentiation between EU citizens and TCN family members.</p> <p>Information websites, brochures and leaflets would need to be updated and the staff dealing with the registration of EU citizens would be sufficiently and adequately trained for giving the choice and implementing it. National variants of the common format would need to be developed (in the language of the country).</p>	
<p><i>Potential costs and eventual financial benefits (cost savings)</i></p> <p>The roll out of the option would lead to administrative costs relating to the adoption and implementation of a new, uniform secure format for registration certificates.</p> <p>The costs for developing a new document, which would be protected and include biometric features, are estimated to be high, as it would require the purchase of equipment (e.g. card readers), IT software and hardware (e.g. a database to store the information) and human resources for collecting the biometric features and preparing the card.</p> <p>In addition, a parallel system would continue to exist, as Member States would also need to continue issuing the certificates in their current format.</p> <p>The option would have different costs depending on the Member State and on the scale of intra-EU mobility flows.</p> <p>Costs associated with the option could be partially transferred to citizens, who, in turn, would pay higher fees for the uniform card. Full costs are however, unlikely to be fully transferable to citizens, as this would most likely represent too high costs for citizens (and hence, discourage them from applying for a common format). This is especially true for Member States with small inflows of nationals of other Member States.</p> <p>The option is not likely to provide any cost savings.</p>	
<p><i>SWOT</i></p>	
<p><i>Strengths</i></p> <p>A uniform format would be relatively recognisable by all Member States authorities across the EU, facilitating the citizen's dealings with his/her host country's national administration. Also, a uniform format would be easier to recognise by private actors (such as phone companies, real estate agencies etc...) which would make mobile EU citizens' day-to-day life easier.</p>	<p><i>Weakness</i></p> <p>The advantages of a uniform format being more easily recognisable by public and private entities might be countered by the fact that this format would not be used by all EU citizens, as it is anticipated that a share may actually prefer to receive the old document which does not offer these advantages.</p> <p>The costs for developing a new document, which would be protected and include biometric features, are estimated to be high</p>

<p>EU citizens would not need to incur additional costs unless they chose to.</p> <p>Giving EU citizens the option to choose between either a registration certificate in the current national format or in a uniform EU format would allow them:</p> <ul style="list-style-type: none"> ■ To determine the costs and burdens to assume themselves, in a similar way as is the case in Member States where registration is facultative; ■ To choose national formats when the benefits of these are considered higher than benefits with a common format. <p>A few Member States considered the option of potential use (HU and SK)</p> <ul style="list-style-type: none"> ■ In the case of HU, the option is seen as one allowing Member States to keep current formats for registration certificates, rather than implementing new ones. ■ In the case of SK, the option is considered the preferred option, as reflecting the current situation, to the extent that) EU citizens can choose to receive a paper, or a card in the uniform format under Regulation 380/2008 	<p>(purchase of equipment, IT software and hardware and human resources for collecting the biometric features and preparing the card). Maintaining two parallel systems would have additional costs for the administration.</p> <p>Member States would still have to deal with all 27 different sets of documents, in addition to the uniform format.</p> <p>Some Member States (e.g. BE, LV, SK) already offer a choice between a paper format and an e-card to EU citizens (the latter with a fee). A common format would be an add-on to existing formats.</p> <p>A few registration certificates currently issued contain e-card features. It is unlikely that such could be included in the common format.</p> <p>Issuance of registration certificates would be slower when the EU citizen chose the common format (as time would be needed for collecting biometric data and issuance of the card – compared to current situation where many Member States just issue a paper). Likewise, it would imply additional burden for the administration in terms of the time spent to explain the advantages and disadvantages of the two options to citizens.</p> <p>Several Member States expressed disagreement or concern with the idea of a facultative uniform format for a registration certificate. Of these:</p> <ul style="list-style-type: none"> ■ A number rejected the idea of a facultative common residence option – or alternatively expressed preference for a mandatory common format - as they called for uniformity, both in the interests of the EU citizens and the authorities (AU, CY, FI, LT, LU, PL, PT, SE and UK²²⁷) ■ A number rejected the idea of a common registration certificate format, irrespectively of it being facultative or not (BE, DE, ES, LV, NL, SI, EL) <p>Finally FR considers the issue of having a facultative common format as being of theoretical nature, since registration in FR is not necessary and few EU citizens apply.</p>
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²²⁷ UK indicated that a uniform format for EU citizens could be of potential interest. They however also indicated that they wanted to reflect further on the options. Subsequent feedback however, was not received, although requested.

<i>Opportunities</i>	<i>Threats</i>
<p>A secure format would be much more difficult to falsify than current registration certificates, which are often a piece of paper. Consequently it could help to reduce fraud.</p> <p>Uniform registration certificates could potentially be further attributed with a function as travel documents within the EU thus further facilitating intra-EU mobility. This could in addition solve specific problems encountered by EU citizens, in cases where their national ID cards and/or passports have expired (or are lost) and they need to travel at short notice within the EU.</p>	<p>Confers uneven benefits for EU citizens across the EU (not all mobile citizens would have the right to obtain a registration certificate in uniform format, as not all Member States issue registration certificates).</p> <p>Confers uneven benefits among citizens within a given country. Some Member States do not issue national ID cards. If the common format could be used as a travel document/ID card it would provide non-national EU citizens benefits that nationals do not have.</p> <p>Offering the choice between two formats may create confusion for the public authorities and private entities, which might end up attaching more value to the uniform format than to the national format.</p> <p>As the secure format becomes better known, it could lead to more private entities requesting it from non-nationals (for example when signing up for specific services or when signing a job contract). This in turn could lead to pressure on citizens who did not opt for a secure format to subsequently apply for the common document. This would lead to a rise in red tape for the citizens and a rise in the administrative costs.</p> <p>Allowing citizens to use the registration certificates issued in the EU secure format (which potentially could be used as travel documents) could leave citizens with the impression that also the registration certificates issued in the national format could be used for travel documents – thereby creating confusion.</p>

5.7.2 Sub-option 6.2. Mandatory uniform EU format for registration certificates, where applicable

<i>Description of the option (what would the option comprise) and conditions for success</i>
<p>A common format for registration certificates for EU citizens would be implemented under this option. All Member States currently issuing registration certificates would be required to issue a uniform EU format when an EU citizen applies for a registration certificate.</p> <p>The EU citizen would then always receive the uniform secure EU format with no possibility of choosing a different format.</p> <p>Conditions for success</p> <ul style="list-style-type: none"> ■ All Member States requiring registration would implement a uniform format for registration certificates to be issued to EU citizens. The intervals in the implementation of the format between Member States should not be too long to avoid great differences

<p>amongst mobile EU citizens;</p> <ul style="list-style-type: none"> ■ The format would include biometric features which would allow for an easy identification of the holder; ■ The price of the mandatory uniform format should not be too high so as to put an unreasonable financial burden on the EU citizens. The fees should follow the same principle already contained in the Directive and not be higher than those applicable for nationals for issuing similar documents (with biometrics); and ■ The common format would allow Member States to add personal identification numbers, issued to residents of that country. 	
<p><i>Rationale of the option</i></p>	
<p>The rationale for a mandatory uniform format is the same as under option 6.1 above.</p> <p>Additionally, a single mandatory format for EU citizens would address some of the potential issues associated with a facultative common format. Notably it would increase the likelihood that the registration certificates issued would easily be recognised by public authorities and private entities. In addition, it is considered that a single format would, compared to option 6.1 imply lower costs.</p>	
<p><i>Changes compared to the current situation</i></p>	
<p>Member States issuing registration certificates would be obliged by EU rules to issue them in a common format.</p> <p>It is anticipated that the uniform format would be different than the format which is currently issued under Directive Regulation 380/2008 to TCN family members of mobile EU citizens, so as to ensure differentiation between the two categories.</p> <p>Information websites, brochures and leaflets would need to be updated. Relevant databases should also include specimens of the registration certificates issued in a common format.</p>	
<p><i>Potential costs and eventual financial benefits (cost savings)</i></p>	
<p>This option would lead to considerable administrative costs related to the adoption and implementation of a new, uniform secure format for registration certificates.</p> <p>The costs for developing a new document, which would be protected and include biometric features, are estimated to be high, as it would require the purchase of equipment (e.g. card readers), IT software and hardware (e.g. a database to store the information) and human resources for collecting the biometric features and preparing the card. However, the level of such costs would depend on the already existing infrastructure in place in the Member States.</p> <p>These costs could eventually be partially transferred to citizens, who would in turn need to pay higher fees for the uniform card. The option would have different costs depending on the Member State and on the scale of intra-EU mobility flows.</p> <p>The option is not likely to provide any cost savings. Compared to option 6.1, however, it would be cheaper, as choice would not be possible.</p>	
<p><i>SWOT</i></p>	
<p><i>Strengths</i></p>	<p><i>Weakness</i></p>
<p>As for option 6.1 the existence of a single, uniform format for registration certificates across the EU would make these documents more recognisable for public and private entities, which would render the day-to-day life of mobile EU citizens easier.</p> <p>The security features embedded in the</p>	<p>The option would create an uneven situation for EU citizens depending on whether or not their host Member State requires registration or not. An EU citizen residing in a Member State where registration is mandatory would receive a secure EU format whereas an EU citizen residing in a Member State where</p>

<p>registration certificates would allow for greater reliability of identification and diminish the possibility of fraud.</p> <p>All mobile EU citizens residing in Member States where registration is required would be treated equally.</p> <p>Some Member States note an interest from mobile EU citizens in a common format (DK, LT and LU).</p> <p>Some Member States have indicated that the option would be of potential benefit (AT, CY, FI, HU, LT, LU, PL, PT, SE²²⁸ and UK²²⁹).</p>	<p>registration is not possible would (and could) not.</p> <p>Issuance of registration certificate would be slower (time needed for collecting biometric data and issuance of the card) compared to currently (paper issued in many cases).</p> <p>Costs for national administrations are likely to be high:</p> <ul style="list-style-type: none"> ■ In the event that the uniform format would become popular, countries with facultative registration procedures (DE, FR, UK, CZ, – and in the future also SE and NL) could encounter very high costs associated with the treatment of applications from residents who would not have applied had they simply been issued with a paper (costs related to the processing of applications, cost of maintaining databases of registration certificates issued, costs associated to IT software and hardware (e.g. a database to store the information) and human resources for collecting the biometric features and preparing the card). ■ National administrations which issue a paper or a passport sticker as registration certificates would encounter costs associated to management and issuance of the uniform format (e.g. maintaining databases of registration certificates issued and human resources for collecting the biometric features and preparing the certificate). ■ National administrations which currently issue national secure formats would encounter lower costs – but still additional ones associated with management and issuance of cards (due to the implementation of a new format). <p>There would be increased costs for EU citizens who would have to pay a (mandatory) fee for the secure common format.</p> <p>A number of Member States rejected the idea of a common registration certificate format, irrespectively of it being facultative or not (BE, DE, ES, LV, NL and SI). Key concerns expressed in this regard relate to:</p> <ul style="list-style-type: none"> ■ Concerns about potential high costs (BE
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²²⁸ In the case of SE, especially in relation to the option of a permanent residence certificate.

²²⁹ UK indicated that a uniform format for EU citizens could be of potential interest. They however also indicated that they wanted to reflect further on the options. Subsequent feedback however, was not received, although requested.

	<p>DE, LV, EL and SI). Also AT, BE, HU, and PT have expressed cost concerns.</p> <ul style="list-style-type: none"> ■ Unequal treatment of mobile EU citizens, given the facultative registration in a number of countries (ES) and uneven treatment of non-nationals and nationals within a Member State (DE). ■ Current registration certificates issued in the format of e-cards offer a number of features that the uniform format would not have (BE) ■ Approach contrary to national developments (NL and SE) <p>In the case of SK, which offer the opportunity to receive the common format for EU citizens under Regulation 380/2008 (choice between paper and common format) the implementation of a different format would imply a change to a new format.</p>
Opportunities	Threats
<p>Uniform registration certificates could be used as a travel document within the EU.</p> <p>Uniform documents could comprise the EU citizen's national identification number. This could increase the usability of the cards in those Member States where this number is necessary to deal with the public administration and private entities.</p>	<p>Member States which currently allow facultative registration could abolish registration in order to cut potential costs associated with issuance of the common format for EU citizens' registration certificates. This could make the certificates increasingly obsolete.</p> <p>As the secure format becomes better known, it could lead to more private entities requesting it from non-nationals (for example when signing up for specific services). This in turn could lead to pressure on citizens in countries where registration is facultative to register to receive the common format. This would lead to a rise in red tape for the citizens and a rise in the administrative costs.</p> <p>Issuing a certificate with biometrics and security features may mislead the holder to believe that they hold automatic rights of residence until the validity of the certificate expires. A few Member States (SE, NL) have highlighted that a registration certificate does not in fact prove that the individual carrying the certificate actually has the right that the certificate implies. Indeed, the certificate is only valid as long that the situation of the citizen remains unchanged (e.g. the citizen stay in employment). The situation may be</p>

	<p>different and the person might have no right of residence any more²³⁰. This issue already occur today and would be reinforced by issuing a secured card (as opposed a simple piece of paper).</p> <p>The option could confer uneven benefits amongst citizens within a given country. Some Member States do not issue national ID cards (e.g. DK, UK, IE) or issue non secure ID cards (e.g. IT). If the common format could be used as a travel document/ID card it would provide non-national EU citizens residing in these countries benefits that nationals do not have.</p> <p>Member States may not accept that registration certificates would be used for travelling purposes as they do not hold the value of national ID cards.</p> <p>In the case of BE there is a risk that a national card would still be needed, in addition to the registration certificate. The information stored on the national card is used in various national contexts. This issue will be reinforced by the phasing out of the national health card, which functions will be taken over by the national ID card (and for non-nationals by the residence documents)²³¹.</p> <p>According to one Member State (DK), issuing a common secure format to EU citizens could increase the risk of fraud. Registration under Directive 2004/38 requires from the EU citizen only a valid travel document as proof of ID. National ID cards are not uniform and in some cases verifying their authenticity may prove difficult. Also, some national ID cards are of poor quality and not secure. With a fake ID card it could be possible to obtain a secure document in the common format. DK further noted in this respect that the issuance of a common format for EU citizens would require:</p> <ul style="list-style-type: none"> ■ A substantial improvement of the procedures for issuance of residence documents – including better checks ■ A requirement that, when registering, EU citizens should provide their passport
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²³⁰ The fact that the registration certificate only confirms that citizen has the right of stay the day the certificate was issued – as the situation may have changed and the citizen do no longer hold residence - is the main reason why Sweden is considering abolishing the registration procedure.

²³¹ http://www.mc.be/la-mc/soins-sante-remboursements/carte_sis/disparition_2014.jsp

	(issued in a common secure format).
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5.7.3 Variants: facultative or mandatory uniform EU format for permanent residence certificates

The mapping of the potential strengths, weaknesses, opportunities and threats associated with facultative or mandatory uniform EU format for permanent residence certificates has shown that these are largely identical to the potential strengths, weaknesses, opportunities and threats associated with a facultative or mandatory uniform EU format for registration certificates. Also, Member States have rated these options identically to options for facultative or mandatory uniform EU format for registration certificates.

<i>Description of the option (what would the option comprise) and conditions for success</i>
<p>The option would be a variant of the option of the uniform EU format for residence certificates issued to EU citizens. It would apply for EU citizens applying for permanent residence certificates. The option could stand alone – or be implemented in conjunction with the option for a common format for registration certificates.</p> <p>The conditions for success would be those stated above in relation to the uniform EU format (option 6.2 or 6.1. depending on if a facultative or mandatory option is chosen).</p>
<i>Rationale of the option</i>
<p>The rationale would be the same as of the option above in relation to the uniform EU format for registration certificates (option 6.1 or 6.2 respectively).</p> <p>The rationale for implementing a common mandatory format for permanent residence certificates, in conjunction with the uniform EU format for registration certificates, is strong, as it would provide one format for all EU citizens (in addition to benefits mentioned above).</p> <p>The rationale for a common format for permanent residence cards without a uniform EU format for registration certificates is weaker, as it would lead to different formats (adding on to the current variety). This is an issue especially, as many EU citizens do not apply for permanent residence certificates even when they are entitled to do so.</p> <p>The argument for a facultative permanent residence document in a common format is not strong as it would lead to different situations in different Member States.</p>
<i>Changes compared to the current situation</i>
<p>The changes would in nature be the same as those stated above in relation to the uniform EU format for residence certificates (facultative or mandatory).</p>
<i>Potential costs and eventual financial benefits (cost savings)</i>
<p>If the option was implemented without a uniform EU format for registration certificates, the potential cost could be high as new systems would need to be deployed. However, the implementation costs are likely to low as only relatively few EU citizens apply for and are granted permanent residence.</p> <p>Costs would ensue for all Member States – if it is assumed that the common format does not take the form of the card under Regulation 380/2008. If it is assumed that the permanent residence certificate would take the form of the card under Regulation 380/2008 there would be no costs for FR and SK, as these already apply this format for permanent residence certificates. However, this approach could lead to issues where EU citizens could be mixed up with third country nationals.</p>
<i>SWOT</i>
<p>Overall the Strengths, Weaknesses, Opportunities and Threats are similar to those of a common format for registration certificates (the facultative or mandatory versions).</p>

Differences are:

- The implementation of a common format for a permanent residence certificate would not create an uneven situation for citizens – as these already can be obtained by any citizen holding these rights.
- The implementation of a common format for permanent residence certificate – without the common format for registration certificates - would not have the weakness to relate to an appearance of “legality”. Sweden, which is currently in the process of abolishing registration certificates, welcomes in particular a common format for permanent residence certificates, as citizens having permanent residence do not automatically lose rights of residence when they no longer meet the criteria for residence (as opposed to registration certificates which are only valid as long as the citizen is in the same situation as at the time the document was issued)

If the option would involve the use of the common format under Regulation 380/2008 cost would generally be smaller than for a “new” format – as many Member States already uses this format for residence cards (and hence have a system in place already). If this option was chosen there would be no costs for FR and SK (which already issue the common format under Regulation 380/2008 for permanent residence certificates). However, this option would imply the use of a format which currently is associated with TCNs.

Cost would be higher for a new “EU citizen’s” format. In absolute terms costs for permanent residence certificates would be lower if the format used was not associated with a common format for registration certificates (as few certificates would be issued). However, as set up costs are likely to be similar, the marginal costs for a permanent residence certificate – i.e. cost per certificate taking all cost into account²³² would be much higher (many EU citizens do not apply for these),

Member States expressed the same views for permanent residence certificates as they did for the registration certificate options, i.e. the option for a facultative format was generally discarded whereas Member States were divided on the potential usefulness of a common mandatory format.

5.8 Assessment of Option 7: uniform EU format for residence cards issued to third-country national family members of mobile EU citizens

Description of the option (what would the option comprise) and conditions for success

Currently, Regulation 380/2008 provides Member States with the possibility to issue residence cards to TCN family members of mobile EU citizens in a uniform secure format. Under this option, this possibility would become an obligation.

Conditions for success:

- The format would build upon the existing format under Regulation 380/2008
- The format would include biometric features which would allow for an easy identification of the holder
- The price of the mandatory card should not be too high so as to put an unreasonable burden on the TCN. The fees should follow the same principle already contained in the Directive and not be higher than those applicable for similar documents issued to nationals.

Rationale of the option

Using a uniform EU format for all residence cards to third-country national family members of

²³² Total costs divided by number of certificates issued

mobile EU citizens would address significant current issues. Notably, several Member States have raised concerns with regards to fraud particularly with respect to TCN family members (CY, UK, SE, FR, ES, DK²³³, BE and NL)

Furthermore, the analysis of the Your Europe Advice cases related to residence rights of EU citizens and their families for the years 2011-2013 has shown that the highest amount of complaints come from TCN family members: even when falling under Directive 2004/38 their rights are sometimes not recognised due to difficulties related to the lack of understanding of foreign ID documents on the part of public authorities and private entities. Finally, if such secure residence cards were used as travel documents, this would substantially facilitate their intra-EU mobility.

Changes compared to the current situation

The format of a uniform, secure card would become compulsory through a legislative amendment of Regulation 380/2008 which would include the requirement for national authorities to issue residence documents only in this format.

Where Member States do not already issue residence cards in the EU format, information websites, brochures and leaflets would need to be updated, possibly including specimens of the residence cards. The necessary systems for dealing with biometric features would also need to be implemented.

Potential costs and eventual financial benefits (cost savings)

The option would imply some costs to the administration in Member States which have not yet adopted the format of the card under Regulation 380/2008 for family members of EU citizens. These costs could be partially transferred to citizens, who would in turn need to pay some additional fees for the uniform card.

In view of the implementation of Regulation 380/2008 the systems for using these features would already be in place for dealing with the cards issued to TCN residence. Consequently, although some modifications may be needed in order to adapt these systems, they should not imply high costs.

SWOT

Strengths

A mandatory common secure format would help to tackle fraud. It would also reduce any questions about the validity of the card and its authenticity. It would facilitate mobility and registration of TCN family members in other Member States since a uniform EU document would be easily recognisable by all national authorities across the EU (could help proving that the TCN has resided previously in a Member State)

It would facilitate the identification of TCN family members in their transactions with private entities.

Application for residence cards for TCNs is mandatory in all Member States but one (UK). In the case of the UK, application is encouraged as cards are needed for effective residence. Consequently, in

Weakness

Implementing a uniform format would entail costs for national administrations where not yet in place (collection of biometrics, and implementation of new cards). Some Member States which do not issue cards under Regulation 380/2008 consider that potential costs would be high (BE, SI and HU).

Some Member States (SE and DK) highlight that EU residence cards issued under Directive 2008/38 confer an appearance of "legality" to TCNs even when these have ceased to fulfil the conditions required for being entitled to residence under the regime of Directive 2004/38. Issuing a common card could reinforce this appearance of legality.

Two Member States (BE and SI) considered that there would be few/no benefits with

²³³ Regarding family members of returning nationals.

<p>practice TCN family members across the EU would be treated equivalently across the EU.</p> <p>Several Member States already issue under national law the same format as the uniform card under Regulation 380/2008²³⁴ to family Members of EU citizens (DK, DE, FI, FR, LT, LV, NL SE and SK²³⁵) and one country is currently in the process of implementing it (PL). The number of Member States issuing the common format to TCN family members is increasing.</p> <p>Issuing uniform EU format for residence cards issued to third-country national family members of EU citizens is supported and encouraged by a clear majority of Member States consulted which have not yet implemented the common format (AT, CY, EL, ES, HU, LU and UK²³⁶). DK²³⁷ and PT considered that there would be benefits with common formats²³⁸.</p> <p>For Member States which already issue the uniform card under Regulation 380/2008 to family Members of EU citizens there would be no costs.</p>	<p>common cards.</p> <p>One Member State (BE) indicated that the current residence cards it issues (e-cards) offer a number of features that the uniform format would not have – and consequently would be less useful than current residence cards. BE also considered that, if common cards were to be issued for TCN family members they should be different to cards issued under Regulation 380/2008.</p> <p>A similar concern about the usability of the common format in a national context was also expressed by HU, to the extent that cards in such a common format contain less information than national cards, and are not known by private entities.</p>
<i>Opportunities</i>	<i>Threats</i>
<p>Residence cards in a common secure format could potentially work as travel documents within the EU. A potential important benefit of the cards would be thus to facilitate TCN family members' mobility within the EU.</p> <p>Beyond travelling, such a common format could be used as proof that the TCN has resided previously in a Member State and consequently ease entry and residence in other Member States. The card could also operate as identification before the national administration in a different Member State than that of the issuing country.</p>	<p>The Residence cards issued under Regulation 380/2008 are not travel documents (as not ID documents) It is questionable if all Member States would be in favour of the possibility to use (and the obligation to accept) a “residence card” as travel document or for the purposes of identification</p> <p>-</p> <p>While common formats would have the benefit to prove that the TCN has resided previously in a Member State and consequently ease entry and residence, it would require a high level of trust between Member States if the card was to have such purposes. In this respect a few Member States (DK, SE) express concerns about potential fraud, and uneven control mechanisms.</p>

²³⁴ Source as above

²³⁵ Also Norway has implemented the common format for TCN family members

²³⁶ UK indicated that a uniform format (secure and with biometrics) for TCN family members would in principle be welcome. They however also indicated that they wanted to reflect further on the options. Subsequent feedback however, was not received, although requested.

²³⁷ DK also noted that potential costs could be expected in relation to collection of biometrics. Also a larger delay with the issuance of cards could be expected

²³⁸ IT did not express an opinion on the desirability of the common format for TCN family members

5.8.1 Variant: uniform EU format for permanent residence cards issued to third-country national family members of mobile EU citizens

<i>Description of the option (what would the option comprise) and conditions for success</i>
<p>The option would be a variant of the option of the uniform EU format for residence cards issued to third-country national family members of EU citizens. It would apply for TCNs applying for permanent residence cards. The option could stand alone – or be implemented in conjunction with the option for a common format for residence cards. The conditions for success would be those stated above in relation to the uniform EU format for residence cards.</p>
<i>Rationale of the option</i>
<p>The rationale would be the same as of the option above in relation to the uniform EU format for residence cards.</p> <p>The rationale for implementing a common format for permanent residence cards, in conjunction with the uniform EU format for temporary residence cards, is strong, as it would provide one format for all TCN family members (in addition to benefits mentioned above).</p> <p>The rationale for a common format for permanent residence cards without a uniform EU format for residence cards is weaker, as it would lead to different formats for the two types of cards.</p>
<i>Changes compared to the current situation</i>
<p>The changes would in nature be the same as those stated above in relation to the uniform EU format for residence cards.</p>
<i>Potential costs and eventual financial benefits (cost savings)</i>
<p>If the option was implemented without a uniform EU format for residence cards, the costs would be relatively small, as only few TCN family members apply for and are granted permanent residence. Such costs would only apply for those countries which have not yet adopted the format of the card under Regulation 380/2008 – as the countries which have done so, apply this format for both residence cards and permanent residence cards (DK, DE, FI, FR, LT, LV, NL SE and SK²³⁹).</p> <p>If the option was implemented together with a uniform EU format for residence cards, the option would likewise have relatively minor costs, as the costs globally would be those related to a uniform EU format for the residence cards.</p>
<i>SWOT</i>
<p>Overall the Strengths, Weaknesses, Opportunities and Threats are similar to those of a common format for residence cards²⁴⁰.</p> <p>However, if a uniform EU format for permanent residence cards was implemented without a uniform EU format for residence cards,:</p> <ul style="list-style-type: none"> ■ Its value and visibility would be smaller (few applicants). ■ There would be relatively higher implementation costs (In absolute terms, costs for permanent residence cards would be lower if the format used was not associated with a common format for registration certificates (as few certificates would be issued)).

²³⁹ Also Norway has implemented the common format for TCN family members

²⁴⁰ A difference is that it would not have the weakness to relate to an appearance of “legality” as a change of situation does not have any effects on the rights of the holder of a permanent residence card.

However, as set up costs are likely to be similar, the marginal costs for a permanent residence certificate – i.e. cost per certificate taking all cost into account²⁴¹ would be much higher),

- Confusion could arise as regards to the nature of the card – Member States which already implement the common format apply it both for residence cards and for permanent residence cards, but this may not be the case in other countries which could only apply the uniform EU format to permanent residence cards.

Considering the tendency towards an increased use of the common format under Regulation 380/2008 and the fact that this format is, when used, applied systematically for both residence cards and permanent residence cards– as well as Member States' support for a uniform EU format for residence cards - the option should be seen as a complement to the option for common format for residence cards. Applying only the uniform format for permanent residence cards would not be an optimal approach.

²⁴¹ total costs divided by number of certificates issued

6 Conclusions and recommendations

6.1 Summary of the main findings

6.1.1 Information availability and access

Article 34 of Directive 2004/38 requires Member States to disseminate information concerning the rights and obligations of Union citizens and their family members on the subjects covered by the Directive. Considering the specific requirements defined in the Directive, it is understood that such information needs to be adequate and tailored to citizens and their needs.

Online sources

With regard to residence documents, it can overall be concluded that all Member States meet the basic requirement to inform citizens through provision of information online. However, the quality and user-friendliness of the information differ significantly across Member States. Globally speaking, four groups of Member States have been identified.

A first group of countries (including among others DK, FR, LU, NL and the UK) provides comprehensive and user-friendly information online and in many cases also via other tools and sources. The information provided online is generally easy to understand and to use, reflecting a true communication effort, and effectively and efficiently guiding citizens through the application procedures for residence documents. In these cases, information is systematically provided via a single or two ‘main’ information sources – which may be a specific migration portal on the relevant ministry’s website, on the competent authority’s website or on a “first stop shop” website for citizens. Mostly, these information sources are easy to identify online for citizens. Also, they are often well linked to other national sources where the citizens could potentially start their search for information. Finally, most good-quality online information sources are provided in English, in addition to the language of the country (where different). In that respect, France constitutes the only exception.

A second group of countries ensures a basic level of information, provided typically online via a single or a few ‘main’ websites (including among others BG, EL, and ES). While reasonably comprehensive (as least as regards basic registration requirements for EU citizens), information is often not user friendly or easy to understand. Likewise, information is often not well structured or alternatively basically presents the content of the law. Detailed information tends to be provided mainly in the local language – making it difficult to access and find for a non-speaker of the local language.

A third group of countries (including notably DE and IT) is characterised by scattered information provision. Instead of having a few or a single main public information source, multiple local and regional²⁴² authorities provide information. In these cases, information is overall difficult to identify, often patchy and uneven across a given level (e.g. across municipalities or regions within a country). Likewise the extent to which information is available in other languages than the national one differs among the different public authorities, but tends to be in the local language only. Due to the lack of “main sources”, citizens are likely to experience difficulties in finding the right information.

Finally, in a few Member States, the quality and comprehensiveness of information is poor for EU citizens (e.g. CY) and/or for the TCN family members (CY, IT and EL).

Overall, across Member States, only a few instances were identified in the public sources consulted where information clearly is factually incorrect or inconsistent with the Directive. Typically, when such issues were identified, they related to a lack of comprehensive information, requirements for additional documentation or information and provision of outdated information.

Hotlines, email services and publications

²⁴² and in Italy also national

National public hotlines and/or email information are available in all countries but the UK. Few provide hotline and email services specifically targeted at EU citizens. Also, not all services are operational. Hotlines' operators often do not pick up or pick up only after a significant waiting time. Email services generally show better response rates. However, in four countries (BG, CY, MT, and RO), no replies were received to any of the attempts of contact made.

In terms of quality, email services generally provide better quality answers than phone operators. With one exception, the information provided is generally factually correct. Quite often, however, the replies provided are not specifically tailored to the information needs and situation of the citizen.

Like for online information sources, telephone and email services are in a number of countries only provided in the language of the country, limiting accessibility.

About half of the public authorities in Member States have also issued publications. These tend to be either fairly short or alternatively covering many wider issues, with residence registration of EU citizens only constituting an (often minor) part of them. In this respect, they do not match the information provided online.

6.1.2 Preparation of the applications and documentation requirements

The time, money and efforts needed to prepare applications differ quite significantly across Member States, also depending on the category of the citizen applying and whether s/he applies with (TCN) family members or not.

Finding the application forms is generally easy, once the main information sources are identified online. In a few countries however, these are difficult to find or not available, thus requiring the citizen to fetch these in person.

Applying for residence documents is a necessity in most Member States for both EU citizens and their family members. Only four countries (CZ, DE, FR and UK) have facultative systems in place for the issuance of registration certificates to EU citizens. Only one country has no such system in place (IE). With one exception (AT), the use of the application forms is mandatory.

Application forms are overall relatively straight forward and in a majority of cases, guidance on how to complete the form is included. Like in the case of information provision, in a number of cases, national forms are only available in the language(s) of the country, potentially making it difficult to understand and fill in the forms for those who do not speak this language (or languages).

Forms range from 1 to 4 pages and do not require extensive information or information which is not in line with the Directive. There are however, some exceptions to this. For example, IE and UK application forms contain information requirements related to the criminal record for TCN family members. Also, the HU and LV forms require specific information on the health of the applicant.

Documentation requirements vary quite significantly across Member States. All Member States (but EE) require documentation beyond identification documents. Self-certification is rarely used.

As regards documentation requirements for certain categories of citizens, requirements for employees and students generally appear to be in line with those specified in the Directive, although some authorities do not always show flexibility as regards acceptance of alternative adequate means of proof.

In a number of Member States, self-employed applicants are required to provide several types of documents to prove their status, which may be considered as excessive in some cases.

Self-sufficient persons are typically required to provide bank statements, which sometimes need to be certified. In some instances in a few Member States, funds are required to be placed in a national bank account.

A type of documentation often requested by Member States but not mentioned in the Directive relates to the proof of residence. In most countries concerned, the lease contract or similar documentation related to ownership is sufficient. However, some countries (CZ, HU and SK) require specific documents related to residence.

The documentation requirements related to TCN family members are generally in line with those defined by the Directive. However, administrative burdens result from the fact that it is very often a requirement that such documents are certified and translated. De facto couples in some countries experience problems in having their partnership recognised for the purposes of obtaining residence documents.

In addition to these “formal” documentation requests, in many cases ‘ad-hoc’ additional information requests have been identified. Countries which appear to systematically request (from all categories of citizens) substantial additional information are CY and MT.

Overall, when applying for residence documents most EU citizens incur minor or no costs. The cost of preparing applications and documentation is in most cases related to requirements for certification and/or translation of documents and consequently mainly applies to citizens moving with family members. Costs may be significant but also vary quite substantially. In addition to the financial burden, the process of requesting and waiting for such documents is time consuming.

6.1.3 Lodging of applications

Requirements to lodge and sanctions

Registration of residence is mandatory for EU citizens in 22 countries. Registration of TCN family members is mandatory in all Member States apart from the UK. In addition, 15 countries require some sort of reporting with the public authorities (beyond the need to inscribe with the health insurance system) which typically consists in inscription in the population register or reporting with the police.

The relevant legislation implementing the Directive generally requires that applications are to be lodged within 90 days – or alternatively within 30 days following 90 days of residence. No issues have been as regards requirements for earlier applications for residence documents.

Legislation implementing the Directive mostly foresees that sanctions may apply in the event that EU citizens and their family members do not apply within the given deadlines. Sanctions, however, are often not defined in national law nor applied in practice, due to the difficulties to actually monitor incoming citizens – and EU citizens in particular.

Where sanctions are defined, they are mostly financial in nature. In most Member States, the fines set in a range of 50 to 300 Euros. In practice, when applied, fines are lower than the maximum stated in the legislation.

Place of lodging and ease of access

The lodging of applications is formally a relatively easy exercise. In most Member States applications are lodged physically, locally/regionally and typically within a relatively reasonable distance from the home of the applicant (<50 KM and mostly closer).

A few countries also offer the additional option of lodging applications by post or email and/or pre-departure lodging with the embassy of the respective Member State. In IE applicants are formally obliged to send applications by post. In the case of the UK TCN family members are required to apply by post, whereas EU citizens formally can choose between post and face to face application. However, in practice EU citizens are required to apply by post, as there is only a single place to apply in the UK, and as waiting times are long.

EU citizens and their family members may have a point of lodging applications (an “EU desk”) distinct from that of other foreigners. Alternatively, they may have to wait with other alien applicants, or together with locals. Lack of a separate “EU” desk is typically the case when applications are lodged at the local level (municipality or the police) and may be often be explained by few applications, lack of resources or efficiency gains.

Ease of lodging

While competent authorities are in most cases conveniently located for visits, in practice the time needed for lodging of applications varies very significantly. Lodging an application requires from a single visit with little waiting time to multiple visits with substantial waiting times at each visit – taking up in many hours and in a few cases even days.

In several Member States, applicants are subjected to substantial waiting time, at the counter, until they can submit their application. Importantly also, many applicants are faced with requests for additional documents, which were not specified in the public information sources, when submitting their application, obliging them to return another time. In several countries, three visits or more are needed before successfully lodging an application.

Possibility to choose means of proof

In relation to documentation requirements accompanying the application citizens may or may not have the possibility to choose the means of proof. Assessing the flexibility of competent authorities in accepting alternative adequate means of proof is difficult as publicly available information may suggest that choice of proof is possible, whilst in practice this is not the case. Likewise, public information may suggest that choice of proof is not possible, whereas in practice choice may be possible.

Where choice of proof is possible, it is typically related to the type of ID identification (when the EU citizen holds both a passport and an ID card), employment or study documentation, as well as in some cases proof of sufficient resources or self-employment. Also, there is often some flexibility regarding proof of residence in some Member States, although others conversely have very detailed and restrictive requirements in place with regard to proof of residence.

TCN family members in practice have little choice of proof. De facto partners in some countries are subject to extensive documentation requirements.

Application fees

Application fees are overall relatively low (<€30) or do not apply. Five Member States (AT, CY, FI, NL, SI and UK) apply fees of more than €50 for some or all types of residence documents.

When Member States apply different fees to documents of TCN family members and of EU citizens, fees are higher (often double) for the TCN family members.

Generally, the application fees are in line with or lower than fees for national ID cards. Six countries (CY, FI, LT, NL, PL and UK) apply higher fees for some or all of the applicants (mostly TCN). The highest application fees are found in FI (€114 for TCN applications) and in the NL (€150 for TCN applications for permanent residence). When comparing fees to average gross salaries these range from 0.1% to 4% of the average monthly salary in the Member States.

6.1.4 Treatment and delivery of residence documents

Deadlines and guarantees

The transposing legislation in nearly all countries defines by when the residence documents are to be issued. In a few cases the legislation does not cover all types of residence documents.

Legal deadlines, when defined, are in line with – or shorter than – those defined by the Directives. Many Member States furthermore inform about the potential waiting time for the issuance of residence documents but very few countries guarantee delivery within a given time.

Processing and involvement of authorities

The processing of applications generally takes place at the level of the competent authority. Competent authorities are either national ones (BG, CY, CZ, IE, MT, NL, SE and UK), municipalities or regional authorities (AU, BE, LU, PL, SI, DE, EL, ES, IT, PT), the police (EE, EL, ES, FI, IT and SK) or decentralised state authorities (BG, DK, HU, LT, LV, and RO).

In most countries the competent authority is the same for both EU citizens and their TCN family members. Four Member States have separate competent authorities for EU citizens and their TCN family members (EL, ES, IT and PT).

Evidence collected suggests that in most cases only one authority is involved in processing. When additional authorities are involved, these mainly deal with the processing of applications involving TCN family members.

Where the treatment of applications is decentralised, national authorities may still be consulted on specific applications. National authorities in some cases also deal with appeals.

The extent to which applications are checked against databases containing criminal records or other information appears to differ and was not systematically reported in the context of the study, making it difficult to assess the scale of such checks. Judging by the data available such checks appear mainly to take place with regard to TCN partners and to a much lower extent concerning EU citizens.

Countries in which systematic checks of TCN family members have been identified include DK (systematic checks of a sample of applications of TCN family members), CY (all applicants appear to be checked and such checks includes spontaneous visits to verify the genuine nature of marriages), PL²⁴³ and the UK.

Systematic checks of EU citizens have been identified only in BE (check of effective residence by the police) and the UK (systematic checks on any applicant regarding his criminal record, hence including EU citizens). Considering that generally only one authority is involved in the application process and that delays in the application process vary significantly, delays cannot be correlated with the number of national authorities involved in the application process²⁴⁴.

Some Member States (DK, LT and SE) have put in place practices to speed up application processes. In the case of DK, a target of three weeks for processing of EU applications is associated with performance payments.

Time to issue residence documents

The data available suggests that the time from the application to the actual issuance of documents differs significantly across Member States. For many countries, comprehensive data has not been made available and actual average waiting times cannot be calculated.

Across the Member States waiting time are, as could be expected, much longer for TCN family members than for the EU citizens. Judging by the data available, several Member States have difficulties in meeting the deadline of six months for TCN family members.

6.1.5 Usefulness and need for residence documents

In many Member States, residence documents are needed to access public and private services and to comply with requirements for such access.

Study results suggest that residence documents (in those countries where registration is required) are necessary to access public benefits and services, as well as private services (or they at least substantially facilitate such access). Around 68% of those surveyed indicated that they encountered problems accessing public or private services due to a lack of resident documents (or ID numbers issued by national authorities – issued once resident documents are obtained).

The validity of residence documents differs across Member States and depends among other things on the type of the document which is issued. Registration certificates may have infinite validity, a validity of 5 years or shorter periods of validity. When residence documents have validity shorter than 5 years, data suggests that they are issued in relation to a declared period of stay. While YEA cases suggest that there are occasional issues with residence documents of reduced validity, there is no evidence of a widespread practice.

²⁴³ where all applications from TCN family members are checked with the border guard, police and security forces

²⁴⁴ possibly with the exception of CY

6.1.6 Ranking of Member States

In line with the requirements set out in the ToR, the study has mapped out the administrative burden associated with the issuance of residence documents in all Member States and have ranked member states according to four main categories (information provision, preparation of the application, lodging of the application and time needed to obtain the residence documents).

The ranking shows that many Member States have set up systems for information provision and guidance of applicants which may facilitate the registration process and limit the administrative burden. Likewise, many Member States have satisfactory systems and efficient processes for lodging of applications and issuance of residence documents.

However, the rating also shows that progress could be made in many countries as to facilitate registration processes and cut red tape. Areas in which there is special concern relate, depending on the country, to:

- Quality, comprehensiveness and usability of the information provided – including in languages that applicants are likely to understand
- Accessibility of the personalised information services (mail and telephone) and to online information
- Efficient opportunities to lodge applications – and clarification prior to lodging as regards the actual documents which are required (including systematic compliance with the Directive as regards documentation requests).
- Timely and efficient delivery of residence documents.

6.1.7 Identification of good practice

As required by the ToR for this assignment the study identified a number of good practices related to information and processing of residence documents. The good practices related to:

- Cooperation with all actors (including non-public actors) engaged in information provision related to residence documents, as to ensure comprehensive and factually correct information by all actors (LU);
- The setup of comprehensive national online one stop shops for information on residence documents (e.g. NL)
- The set-up of physical one stop shops for incoming residents assisting all foreigners on any administrative issues, including application and processing of residence documents, tax card, social security/ID number, health insurance, driving licence and registration of cars (DK)
- Minimum requirements for supporting documentation: only proof of the applicant's identity (EE). Only if the EU citizens are accompanied by third-country family members' additional information is required.
- Few requirements for translated and certified documentation for TCN family members (ES). Rather than systematically asking TCN applicants for certified and translated documents, the competent authority reviews the documentation and accepts these if they can be understood.
- Choice of lodging options (DK): email, face to face and by post. In addition to these main options for lodging, other options are available including the option for the competent authority to visit higher educational institutions and businesses having a high number of incoming applicants.
- Close monitoring of queues at the competent authority identify and avoid excessive procedural delays and options to book appointments (EE)
- Publication of deadlines for processing of applications – with fixed deadlines for adoption of decisions on residence documents (LT)

- Target setting for processing of applications, forming part of the key performance indicators of the competent authority and subject to performance payment (DK)
- Provision of guidance, advice and support to competent authorities (FR) in order to support processing of applications. The Ministry of Interior provides various forms of guidance and support to the competent authorities, including: Regular training sessions, an intranet webpage and comprehensive guidance documents
- Online lodging for employees and students and their family members (SE)

The practices have informed the development of the options, and also their assessment.

6.2 Recommendations

As required by the ToR, the study considered several options to improve the delivery of residence documents and their use and added value namely:

- Establishing single points of contact within the administration:
 - Online
 - Physical
 - Online lodging
 - Providing e-training to national authorities about free movements rights, including related to the processing of residence applications
 - Back office function at national level
 - Facilitating cross-border communication and cooperation between competent authorities from different Member States
 - Common formats for residence documents
 - Facultative use for EU citizens (registration certificates)
 - Mandatory use for EU citizens (registration certificates)
 - Mandatory use for third-country family members
 - Variants of the above as regards permanent residence documents
1. Each option was considered in view of its rationale, potential changes compared to the current situation, potential costs /benefits and Strengths, Weakness, Threats and potential Opportunities (SWOT).
 2. In view of this assessment the following recommendations can be made as regards to the options:

6.2.1 Single points of information online

In view of the benefits associated with single points of information online – from a citizen point of view, an administrative point of view and in view of potential efficiency gains - there would be scope for implementing these single points in all Member States - where not yet in place. The online “web resource” could be placed in an existing website or portal. As a minimum development, the following should be considered:

- The content, ensuring that the web resource provides comprehensive information covering all aspects of the Directive related to rights of residence and issuance of residence documents. Information provision should also cover any forms of “additional registration” required at national level;
- User-friendliness of the web resources;
- Linguistic coverage – ensuring that information is provided at least in English, in addition to local languages, and possibly also, at least partly, in the language of one or more of the countries from which there are significant inflows of EU citizens;
- Search engine optimisation – considering the potential search key words;

- Links to the main web resources, and quality review of information provided at sub-national level.

When developing these aspects there would be benefit in considering good practices as implemented in some Member States (for example in the NL) .

6.2.2 Single points of lodging and guidance

The assessment shows that citizens would benefit from single physical points for guidance and lodging, where “face to face” lodging is required. Such physical points would federate the different authorities responsible for registration in a single location, also including eventual “additional” registration.

Allowing all EU citizens and their family members to lodge their applications and accomplish further formalities required with other authorities and/or services in a single location would cut red tape. However, the single points would represent a cost for Member States, without there being strong efficiency gains in return. For this reason, the setup of a citizens’ service centre function would need to be limited to regions with large influx of EU nationals.

Consequently, it is recommended that the Commission encourages Member States (which require physical lodging) to set up “Citizens single points for lodging” in capitals and large cities with significant influx of EU citizens and their family Members. Potentially, this set up could be inspired by the Danish model of International Citizens Service. All forms of registration and all citizen groups should be covered by these points.

It would be beneficial if the points were associated with guidance services on other aspects relevant to residing in another country (e.g. healthcare insurance, tax, job opportunities, training and education, day care, language courses and accommodation).

6.2.3 Online lodging

In view of the benefits of online lodging – from a citizen point of view, but also from the point of view of administrative efficiency - there would be scope to implement online lodging in all Member States. Some applications are easier to manage than others (employees and students) and considerations could be given to limiting the online lodging to these categories (they are easy to process but they constitute the bulk of all applications).

Consequently, it is recommended that the Commission encourages Member States to provide online lodging opportunities to citizens applying for residence documents under Directive 2004/38 or for only some categories of citizens who are required to apply for residence documents. The system in place in SE could be used as an inspiration.

Member States could still require original documents from applicants, but instead of requiring them to show these when lodging the application, they could ask applicants to present them when collecting the residence documents. The system would have to be complementary to the “physical” lodging as internet is not yet accessible to all.

6.2.4 Back office function within the Ministry

Considering that Member States generally already have such back office functions, it would be useful to share good practices developed (for instance as regards training and guidance) in order to optimise such functions.

6.2.5 Facilitating cross-border communication and cooperation between competent authorities, possibly using the IMI

Many EU citizens and their family members who apply for residence documents are required to provide certification, validation and/or translation of documents. These requirements imply costs and lengthy registration procedures.

Facilitating exchanges between competent authorities, possibly by using the Internal Market Information System (IMI), would allow authorities to check the documentation provided by EU applicants without requesting certification, validation and/or translation. Relevant work

would build on the initiative on facilitation of circulation of public documents adopted by the Commission and on on-going work with IMI in this respect.

Several Member States have shown interest in an exchange system among competent authorities for verification of residence documents. A few Member States question the added value of an exchange system.

Given the wide support to the use of an online tool the IMI's compatibility with the objectives for online exchange, and the success of the tool amongst users, there would be benefits in considering its use to exchange information on documentation. However, a key condition for the success of this tool will be strong Member State commitment to the effective use of this tool – including the designation of appropriate liaison points, training and commitment to the processing time of requests submitted through the tool. Otherwise there is a risk that in effect, the use of the tool could slow down processing time of applications quite significantly.

However, the need for such facilitation of cross-border communication will have to be examined in the light of the effects of the eventual adoption of the Commission Proposal for a Regulation on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012.

It is consequently recommended that the Commission explores, together with the Member States, the concrete need for facilitating cross-border cooperation, the scope and expected scale of cooperation and what cooperation would comprise so as to assess them against the IMI's possibilities for catering to the needs of the competent authorities and its implications

The potential for cooperation could extend to other documents (ID/travel) with additional benefits for the Member States and the citizens in terms of administrative burden.

6.2.6 Provision of an e-training tool

The rationale for a single training tool would be that of ensuring a correct and uniform application of EU rules on free movement across the EU. Wherever in the EU they present themselves, EU citizens should be met by front desk officials who have a solid knowledge of their rights and of the conditions and procedures to give effect to them.

The data collected in the framework of the study suggests that there are issues with competent authorities' awareness of EU citizens' free movement rights. However, data would also suggest that such issues are very uneven across Member States.

The perception of the potential usefulness of an online tool differs across Members. Generally, however, most Member States highlight that any training would need a high level of adaptation, as it would need to reflect the national implementing legislation as well as national administrative practices. Also there is a need to ensure that the tool would complement any training efforts which already take place at national level.

It is therefore recommended that:

- The Commission works closely together with the Member States in the development of the tool as to ensure its relevance in a national context
- That the commission sets up relevant working groups to support the development of the tool. Ideally, these would also comprise a working group drawn Member States' competent authorities, as these are the intended to be the end users.

6.2.7 Common format of residence documents for EU citizens

The development of a common format of residence documents for EU citizens (when registration procedures are in place in the Member State concerned) would have benefits related to their recognisability and potentially usability (use as a travel document and use of proof of identity). Some Member States note an interest in such a format among EU citizens, and a number of Member States consider that there could potentially be benefits attached to it.

However, implementing a common secure format for residence documents is associated with a number of weaknesses:

- High costs for the Member States. If cost are transferred to EU citizens ,these would also encounter higher costs than they currently are;
- Longer waiting times for the issuance of residence documents;
- Uneven situations for EU citizens across the EU (some mobile citizens would get a residence documents, other mobile citizens would not, nor would non-mobile citizens);
- A secure format would possibly require more checks by national authorities, as opposed to the current situation where they often issue a paper as registration certificate.

Finally, the option goes against the current trend in some Member States towards abolishing residence registration for EU citizens. In this respect, there is a risk that the common format would lead to more applications in those countries where registration is facultative, leading to increased administrative costs. In order to circumvent such a development, the abolition of registration procedures for EU citizens could become the choice of public authorities, reinforcing in turn uneven treatment of citizens.

These potential weaknesses would have to be assessed against the benefits for EU citizens, in terms of potentially facilitating their intra-EU mobility and their everyday life in other Member States than their own and the benefits for national authorities, in terms of enhanced security and easier recognition of the registration certificates issued.

In any event, if a common format is to be considered, such a format should be mandatory for all EU applicants. On the basis of a preliminary analysis, the weakness of a facultative system for registration certificates (with choice by the applicant) appears to largely outweigh the potential benefits of such a system.

6.2.8 Mandatory common format of residence cards for TCN family members of mobile EU citizens

The obligatory use of a common format for residence cards issued to third-country national family members of mobile EU citizens based on Regulation 380/2008 would have a number of benefits related to their recognisability and potentially usability (as proof of identity and potentially as travel documents) and would help fighting fraud. Furthermore, using the common format created under Regulation 380/2008 would be in line with current developments, as an increasing number of Member States use this format for third-country family members of EU citizens and would not imply high costs for those Member States using it.

Finally, residence cards are practically mandatory in all Members States. The implementation of a common format would consequently not lead to uneven treatment of TCN family members. The above circumstances and the benefits that would ensue argue in support of working towards a mandatory common format based on Regulation 380/2008 for TCN family members.

6.2.9 Variants implying only the use of common formats for permanent residence documents

The assessment of potential variants, implying the use of common formats for permanent residence documents suggests that common formats for permanent residence documents would be beneficial to the extent that these are associated with common formats for registration certificates and/or residence cards. Potential benefits are lower if these are implemented without common formats for certificates and/or residence cards, whereas the relative costs are likely to be higher.

ANNEXES

Provided in separate documents